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INVESTIGATION OF GSI STRIKE

HEARINGS

BEFORE A

SPECIAL SUBCOMMITTEE OF THE COMMITTEE ON EDUCATION AND LABOR HOUSE OF REPRESENTATIVES

EIGHTIETH CONGRESS

SECOND SESSION

PURSUANT TO

H. Res. 111

(80th Congress)

HEARINGS HELD AT WASHINGTON, D. C.,
JANUARY 20, 26, 28, FEBRUARY 2, 3, 10, 11, 28,
MARCH 6, 8, AND 9, 1948

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80TH CONGRESS, 1ST SESSION

H. Res. 111

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 21, 1947

Mr. ALLEN of Illinois, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

FEBRUARY 26, 1947.—Agreed to

Resolution

Resolved, That the Committee on Education and Labor, acting as a whole or by subcommittee, is authorized and directed to conduct thorough studies and investigations relating to matters coming within the jurisdiction of such committee under rule XI (1) (g) of the Rules of the House of Representatives, and for such purposes the said committee or any subcommittee thereof is hereby authorized to sit and act during the present Congress at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require by subpoena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member. The chairman of the committee or any member thereof may administer oaths to witnesses.

That the said committee shall report to the House of Representatives during the present Congress the results of their studies and investigations with such recommendations for legislation or otherwise as the committee deems desirable.

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INVESTIGATION OF GSI STRIKE

TUESDAY, JANUARY 20, 1948

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D. C.

The subcommittee met, pursuant to call, at 2:37 p. m., in the committee room of the House Committee on Education and Labor, Hon. Clare E. Hoffman (chairman of the subcommittee) presiding.

Mr. HOFFMAN. We will come to order.

A statement was handed out to the press showing the purpose of the meeting, which, among other things, is to learn, if we can, on what authority and for what reason the workers in cafeterias in two Government buildings were denied the opportunity to work by the closing of the cafeterias, and by what authority and for what purpose the Secretary of Labor enters the controversy and requests the employer to bargain with a union whose officers refuse to file the affidavits required by statute.

Is Mr. Johnstone here?

Mr. JOHNSTONE. Yes, sir.

Mr. HOFFMAN. Are there any other witnesses here?

Mr. SANDS. I represent the Hotel and Restaurant Employees, A. F. of L., and I may be interested. I got notice only at 2 o'clock.

Mr. HOFFMAN. Do you want to be a witness?

Mr. SANDS. I don't know what it is all about.

Mr. HOFFMAN. Then you are just a spectator?

(The following witnesses were sworn: Alan Johnstone, general counsel, Federal Works Agency; Robert Ayers, general manager, Government Services, Inc.; Charles E. Sands, international representative, Hotel and Restaurant Employees and Bartenders Union; J. C. Niehuss, personnel manager, Government Services, Inc.; John W. Cross, attorney, Government Services, Inc.; H. F. Mowry, sergeant, Metropolitan Police; Horace S. Childress, corporal, Metropolitan Police; and Eugene A. Gross, Park Police.)

Mr. HOFFMAN. Mr. Johnstone, we will start with you, please. You are connected with which Government agency?

TESTIMONY OF ALAN JOHNSTONE, GENERAL COUNSEL, FEDERAL WORKS AGENCY, WASHINGTON, D. C.

Mr. JOHNSTONE. I am general counsel of the Federal Works Agency, Mr. Chairman, and I should like to say that I understand that the committee wished General Fleming, who is the Federal Works Administrator, to appear here this afternoon; in his absence, Mr. W.

E. Reynolds, the Commissioner of Public Buildings, which is a constituent unit of the Federal Works Agency. Both of them happen to be out of town.

It is my further understanding that when that was communicated to this committee, it was requested that I appear.

Mr. HOFFMAN. That is right. That Agency has charge of the Federal buildings where these cafeterias are operated.

Mr. JOHNSTONE. Yes. The Public Buildings Administration has responsibility for the management of a considerable group of public buildings in the community.

Mr. HOFFMAN. In the Labor Department and the Supreme Court Building?

Mr. JOHNSTONE. We have no jurisdiction over the Supreme Court Building. We do have the management of the building of the Labor Department.

It is my understanding that the Supreme Court manages its own building. Certainly, we have no responsibility in the matter.

Mr. HOFFMAN. Very well. There was a contract, was there not, previously between the Government Services, Inc., and local 471?

Mr. JOHNSTONE. I don't know about the number.

Mr. HOFFMAN. Mr. Ayers, will you come up, please?

What is your position?

TESTIMONY OF ROBERT AYERS, GENERAL MANAGER, GOVERNMENT SERVICES, INC., WASHINGTON, D. C.

Mr. AYERS. I am general manager of Government Services.

Mr. HOFFMAN. Did you have a contract with a local covering the service workers in the cafeterias—

Mr. AYERS. That is right.

Mr. HOFFMAN. Which operate in the Government buildings?

Mr. AYERS. That is right.

Mr. HOFFMAN. When did that expire?

Mr. AYERS. December 31, 1947.

Mr. HOFFMAN. Then shortly after that, on the following Monday, the workers went on strike?

Mr. AYERS. Yes.

Mr. HOFFMAN. We are not interested in the merits of the dispute between the service corporation and the union, or the individual employees. As I understand it, then, you did get an order closing two of the cafeterias?

Mr. AYERS. That is right. We got a request.

Mr. HOFFMAN. From whom?

Mr. AYERS. Marshal Waggaman of the Supreme Court to close the cafeteria there.

Mr. HOFFMAN. When did you get that?

Mr. AYERS. We got that on, I believe it was either the second or the following Monday morning. It was verbal over the phone.

Mr. SMITH. Who is he?

Mr. AYERS. Marshal Waggaman?

Mr. SMITH. Yes.

Mr. AYERS. Marshal of the Supreme Court.

Mr. SMITH. Appointed by the Supreme Court?

Mr. AYERS. I presume so.

Mr. HOFFMAN. What other cafeteria was closed?

Mr. AYERS. The Labor Department Cafeteria.

Mr. HOFFMAN. From whom did that order come?

Mr. AYERS. That request came from the Public Buildings Administration to the organization.

Mr. HOFFMAN. Who gave it to you?

Mr. AYERS. It came through General Fleming's office to General Grant. I believe, the president of our board of trustees.

Mr. HOFFMAN. Was it written or verbal?

Mr. AYERS. Before that, preceding that, we received a verbal request from the personnel manager in the Labor Department.

Mr. HOFFMAN. Who is he?

Mr. AYERS. I don't know his name, sir. I think it is Barnes. A verbal request that we consider closing the cafeteria.

I told them such request would have to come through the Public Buildings Administration, that our contract was with them.

From that point on, I lost contact with the situation until we had the request to close the Labor Department cafeteria.

Mr. JOHNSTONE. If I might interpose, I might say on the 2d of January there was a telephone request communicated to General Fleming's office to his assistant, Mr. James W. Fullin, the Assistant Federal Works Administrator, who also is out of town.

With reference to the Labor Department cafeteria action and on the same date——

Mr. HOFFMAN. From whom did it come?

Mr. JOHNSTONE. Mr. Gibson is the Assistant Secretary of Labor.

Mr. HOFFMAN. A former president of the CIO in Michigan.

Mr. JOHNSTONE. I don't know about that.

Mr. HOFFMAN. For your information, he was.

Mr. JOHNSTONE. Maybe so.

On the same date, I don't know when it was received, but there was a letter January 2 from the Secretary of Labor, requesting that General Fleming order the closure of the cafeteria in the Labor Department building.

Mr. HOFFMAN. Will you read it to us, please?

Mr. JOHNSTONE. Yes.

DEAR GENERAL FLEMING: I am in receipt of a letter from U. S. Grant, III, president of Government Services, Inc., which indicates that a strike has been called by the union, which may result in "some interruption or decrease of cafeteria service."

In view of this, I request that immediately upon the strike's becoming effective, the Department of Labor cafeteria be closed. I have been informed by Mr. W. B. Bartel, in behalf of the Interstate Commerce Commission, that the Commission has no objection to this procedure.

I might say that the Interstate Commerce Commission is housed in the same building, and is served by the same cafeteria.

Very truly yours,

L. B. SCHWELLENBACH,
Secretary of Labor.

On the bottom of this letter there is endorsed:

Mr. Follen talked to Assistant Secretary Gibson on the telephone and agreed to close in the event of a strike, to be reopened at the request of the Secretary with the concurrence of Mr. Bartel of the Interstate Commerce Commission.

Mr. Chairman, I will file either this original or a copy of that letter.

Mr. HOFFMAN. A copy will be sufficient. Then what happened?

Mr. JOHNSTONE. General Fleming did order the closure of that cafeteria.

Mr. HOFFMAN. That brings us to the point in which we are interested.

By what authority or by virtue of what statute was the cafeteria closed?

Mr. JOHNSTONE. I would say that the authority to manage Government buildings stems from a statute which gave that authority to the National Park Service years ago, and the functions of the National Park Service with reference to the management and operation of Government buildings was transferred to the Federal Works Agency by the President's Reorganization Plan No. 1, which became effective July 1, 1929.

We conceive that under that authority we have the right to furnish cafeteria service in the Government buildings as a part of their management.

Mr. HOFFMAN. And in pursuance of that authority?

Mr. JOHNSTONE. In pursuance of that authority.

Mr. HOFFMAN. Wait a minute. You entered into a contract with Government Services, Inc., did you?

Mr. JOHNSTONE. I wanted to say at that time we took it over there was an agreement between Park Service and the Government with reference to cafeterias, which we inherited.

Mr. HOFFMAN. And that after that, did you make a new contract?

Mr. JOHNSTONE. There might have been some amendments to the agreement since that time.

Mr. HOFFMAN. Have you copies of those? Have you copies, Mr. Ayers?

Mr. JOHNSTONE. I will be glad to furnish them for the record.

Mr. HOFFMAN. Did those contracts provide that the Government Services should have the right to operate a cafeteria in those buildings?

Mr. JOHNSTONE. Yes.

Mr. HOFFMAN. What was the limitation on their right to operate?

Mr. JOHNSTONE. The limitation was, Mr. Hoffman, that the Government should at all times maintain the control of the prices to be charged to the employees. The Government also maintained some control with reference to the character of the service and of the personnel.

Mr. HOFFMAN. Let me interrupt you there.

Has Mr. Fleming found with reference to these two cafeterias—we will say one, not the Supreme Court—that the service was not maintained in accordance with the contract?

Mr. JOHNSTONE. No; I think not.

I know of no finding to that effect.

I might say I think, Mr. Chairman, it is quite clear from the record that the cafeteria in the Labor Department was closed upon the request of the Secretary of Labor.

Mr. HOFFMAN. And for no other reason?

Mr. JOHNSTONE. I know of no other reason.

I would say I think the right of the Administrator to close that cafeteria or to close any one of the cafeterias is beyond any question.

Mr. HOFFMAN. Regardless of the contract they have with the operating agency?

Mr. JOHNSTONE. I think the Government can continue or discontinue its cafeteria services in its buildings to suit itself and its own convenience.

Mr. HOFFMAN. Regardless of any contract right?

Mr. JOHNSTONE. Yes.

Mr. HOFFMAN. That is to say, the Federal Government can disregard any contract that it has made with the Service corporation——

Mr. JOHNSTONE. No; I don't think that the Federal Government can disregard any contract that is made, but I think, Mr. Chairman, there are two things I would say in reference to that:

I think that this very arrangement itself, which you describe as a contract, under it the Government can——

Mr. HOFFMAN. You mean the Government reserves the right——

Mr. JOHNSTONE. That is right.

Mr. HOFFMAN. As it sometimes does, to cancel with or without reason?

Mr. JOHNSTONE. That is right.

Then, too, Mr. Chairman, I entertain a pretty definite opinion that the Government Services, Inc., I think, can assert no right over the Government property against the Government's interest, regardless of any kind of arrangement that they might have.

Mr. HOFFMAN. Then if the people, the Government employees who have been eating at these two cafeterias, or at the one cafeteria, cannot get service now, that is because, and only because, the Labor Department, acting through Mr. Schwellenbach, closed the cafeteria; is it not?

Mr. JOHNSTONE. I would say, sir, in answer to your question, it was closed at the request of the Secretary of Labor, according to the letter I have given you.

Mr. HOFFMAN. Assuming that the Government did reserve in those contracts the right to discontinue them with or without reason, what would you say—you are an attorney?

Mr. JOHNSTONE. Yes.

Mr. HOFFMAN. What would you say as to the effect on those contracts of the enactment of the Taft-Hartley Act, which forbids lock-outs?

Mr. JOHNSTONE. To begin with, Mr. Chairman, I do not think that the closure of the Labor Department cafeteria amounts to what you call a lock-out.

Mr. HOFFMAN. We can agree, can we not, that the employees who want to go back to work in the Labor Department cafeteria cannot go back because the cafeteria is closed?

Mr. JOHNSTONE. Well, certainly the cafeteria is closed; that is right.

Mr. HOFFMAN. Yes, and there is no place for them to go to work, is there, in that cafeteria?

Mr. JOHNSTONE. They can't work there so long as it is closed.

Mr. HOFFMAN. As a matter of fact, they are deprived of employment because Mr. Schwellenbach requested the other agency to close it.

Mr. JOHNSTONE. You might draw that conclusion.

Mr. HOFFMAN. Would you not?

Mr. JOHNSTONE. No. You might say that they voluntarily decided they would not work there before it was closed.

Mr. HOFFMAN. No.

How many cafeterias are there?

Mr. JOHNSTONE. I don't know.

Mr. AYERS. About 42, all told.

Mr. HOFFMAN. 42, Mr. Ayers says.

Mr. Ayers, I will ask you; in all, except these two, employees are working, are they not?

Mr. AYERS. That is right.

Mr. HOFFMAN. It would be a fair assumption, then, Mr. Johnstone, that the only reason they are not working in the other one you have spoken of is because Mr. Schwellenbach ordered it closed?

Mr. JOHNSTONE. I do not know that the employees that were employed in this cafeteria to its closure or any of them are not now working. I don't know who they are.

Mr. HOFFMAN. In any event, they are deprived of the opportunity to work if they wanted to because Mr. Schwellenbach ordered it closed, are they not?

Mr. JOHNSTONE. I would rather you asked Mr. Schwellenbach that. I told you we closed it at his request.

Mr. HOFFMAN. Yes. That deprived them of the opportunity, did it not?

Mr. JOHNSTONE. Certainly, nobody can work in a cafeteria that is closed.

Mr. HOFFMAN. We get down to the fact that at least the opportunity to work is denied these people because of this order that you issued.

Mr. JOHNSTONE. Yes; they can't work there when it is closed.

Mr. HOFFMAN. Now, as a lawyer, do you think that the authority given you over the Public Buildings was in any way lessened or impaired by the passage of the Taft-Hartley Act, guaranteeing to a man the right to go to work if he could find a job?

Mr. JOHNSTONE. Mr. Chairman, I think that the answer to your question involves the consideration of a number of things:

First, it involves whether or not the Taft-Hartley Act has any application to the controversy now existing between the Government Services, Inc., and the employees.

Second, it involves——

Mr. HOFFMAN. Do you think it has or has not?

Mr. JOHNSTONE. I think the Taft-Hartley Act is the act that has to do with the operation of the National Labor Relations Board, and I do not know that the Labor Relations Board necessarily has any responsibility with reference to this controversy.

It is not clear to me that they have.

Mr. HOFFMAN. The Taft-Hartley Act also, I think, has something to do with the right of employees to organize or not to organize, and to work or not to work. Has it not?

Mr. JOHNSTONE. Perhaps it does. I am not so familiar with it as you are.

Mr. HOFFMAN. Any questions, Mr. Smith?

Mr. SMITH. What is your position down there?

Mr. JOHNSTONE. I am General Counsel of the Federal Works Agency.

Mr. SMITH. How do you advise?

Mr. JOHNSTONE. I advise General Fleming and his associates.

Mr. SMITH. Did you advise him that it be closed?

Mr. JOHNSTONE. I was not asked for any advice on this subject, sir.

Mr. SMITH. You said we closed it awhile ago.

Mr. JOHNSTONE. I mean, sir, when I said "we," it was closed by orders of General Fleming.

Mr. SMITH. And General Fleming did not consult with you about whether he would close it or not?

Mr. JOHNSTONE. No.

There was no occasion for him to desist if he didn't want to.

Mr. SMITH. What does he have a solicitor for?

Mr. JOHNSTONE. As a matter of fact, I don't know that there is any legal question involved in his right to close this thing.

Mr. SMITH. Do you mean to tell me that Mr. Schwellenbach and Mr. Fleming can go down and close any building they want to merely on a caprice or whim?

Mr. JOHNSTONE. No; I don't mean that. I certainly don't mean that.

But I do mean to tell you that I think General Fleming can order the closure of any one of these cafeterias.

Mr. SMITH. Wait a minute. We are not talking about cafeterias. Can he order the closure of a building down here because he does not like conditions down there?

Mr. JOHNSTONE. I would say that certainly nobody has any unlimited discretion to close or open a Government building.

Mr. SMITH. They closed a cafeteria.

Mr. JOHNSTONE. That is right.

Mr. SMITH. What is the difference between closing the cafeteria on that floor from closing the next floor above it?

Mr. JOHNSTONE. Well, sir, I think there is a good deal of difference.

Mr. SMITH. There probably is no labor dispute upstairs.

Mr. JOHNSTONE. Maybe not.

Mr. SMITH. That is all.

Mr. HOFFMAN. I might ask, before Mr. Fisher inquires, why, if you know, did Mr. Fleming close it?

Mr. JOHNSTONE. My answer to that would be that he closed it upon the request of the Secretary of Labor, according to the letter that I have given to you.

Mr. HOFFMAN. Any other reason that you know of?

Mr. JOHNSTONE. I don't know of any other reason, Mr. Chairman.

Mr. HOFFMAN. Thank you very much.

Mr. Fisher?

Mr. FISHER. I would like to say with reference to Mr. Johnstone that I have had the pleasure of knowing him a long time, and have the highest regard for his legal ability and the service that he has rendered down in the Department where he works.

Mr. Johnstone, just what is the legal relationship between the Government and the Government Services, Inc.?

Mr. JOHNSTONE. Mr. Fisher, I would say that that is a matter that has been the subject of considerable controversy for a long time.

The relationship started in 1927 at a time when the management of these buildings was under the Buildings Branch of the Park Service. At that time, General Grant, then a colonel, was the director of the Park Service, and he organized a corporation to operate cafeterias

and lunch counters in the buildings for the convenience of the Government and for the convenience of the Government employees.

At that time he entered into what is described here as a contract, which was an agreement or an arrangement, which ever you wish to call it. I have examined the papers. It was signed by General Grant as the president of this organization and as the Assistant Director of Public Buildings on behalf of the Government.

I conceive that it was an administrative order passed for the convenience of the Government and its employees, and I conceive that under it the corporation can assert no rights of the Government of the United States.

That has been recognized by the corporation itself which has recently amended its charter and its bylaws to provide that upon its dissolution all and singular of its property shall belong to the Government of the United States.

Mr. FISHER. I think that is all, Mr. Chairman.

Mr. HOFFMAN. I think that is all. Thank you ever so much.

Mr. JOINSTONE. You are quite welcome, sir.

Mr. HOFFMAN. We are just wondering how far the Taft-Hartley Act goes, and whether the Government will comply with the so-called labor law, or whether it is set apart and can act as it wishes if and when it becomes an employer.

Now, Mr. Ayres, have you copies of these contracts?

Mr. AYERS. I can furnish them, sir. I don't have them with me.

Mr. HOFFMAN. If you will, please.

Do they provide, as so many contracts with the Government do, that the Government can cancel them at any time, for any reason or without any reason?

Mr. AYERS. I think there is a cancellation clause, as I recall it, on 6-months notice period.

As a matter of practice over the years, requests of the Public Buildings Administration have been complied with by the organization whenever there has been a request to open or close a particular cafeteria.

Mr. HOFFMAN. How long would it take you to get a copy of the contract with the cancellation clause so we would know what is in it? I would like to know what that provides.

Mr. AYERS. As soon as I can call, I will have someone bring it by messenger from the office on Twenty-first Street.

Mr. HOFFMAN. Not now. You operate, you said a while ago, 42 cafeterias?

Mr. AYERS. That is right.

Mr. HOFFMAN. Have you been in a position at all times since the strike to give service in the Supreme Court cafeteria and also in the one in the Labor Department?

Mr. AYERS. That is right.

Mr. HOFFMAN. Do you know of your own knowledge that your employees are ready and willing and want to work in those two?

Mr. AYERS. We have some of our old employees returning.

Mr. HOFFMAN. In those two? I am talking now only about those two cafeterias.

Mr. AYERS. I don't have any detailed knowledge of the employees of those two cafeterias, sir. I will say this:

That on December 31, our contract with the union expired. There was no union in the picture from that point on. From the corporation's standpoint, there was none.

We employed over 1,000 people. We could have staffed those cafeterias either with old employees returning or with new employees that wanted to go to work.

Mr. HOFFMAN. Then you can say of your own knowledge that there were individuals, either old employees, or new ones, who were ready and willing and who wanted to work in the Supreme Court and the Labor Department cafeterias?

Mr. AYERS. I would say that, sir.

Mr. HOFFMAN. Will you give us the reasons—is there more than one—as to why they were not given the opportunity to work, or were not permitted to work?

Mr. AYERS. As Mr. Johnstone has explained about the Labor Department, that was closed at a request from the Federal Works Agency.

In the case of the Supreme Court, it was closed on the request of the Marshal, Marshal Waggaman, who said that they did not want the service.

Those are the only reasons that I know, sir.

Mr. HOFFMAN. Unless the rule is different because you are operating in Government buildings, you are violating the Taft-Hartley Act, are you not?

Mr. AYERS. I would like to have our attorneys answer that question, sir.

Mr. Cross. Our position on that has been that if there is a violation it is not the responsibility of Government Services, Inc.

I substantiate Mr. Johnstone's testimony to the extent that we have followed the precedents that when Federal Works tells us what to do with regard to opening or closing any unit, we do it.

Mr. HOFFMAN. You do not recall whether that is because it is a Government agency or because of a clause in the contract?

Mr. Cross. Because of a clause in the contract, and the long period of interpretation.

Mr. HOFFMAN. All right.

If you will just step aside for a moment. I notice the Secretary of Labor is here, and he wants to get away as soon as he can. I know you had difficulty in getting here.

We are very appreciative of the fact that you are here, Mr. Secretary, with the other engagements you had.

What we are trying to learn is on what authority the Department of Labor, acting through you, requested the closing of the cafeteria in the Labor Department.

TESTIMONY OF HON. LEWIS B. SCHWELLENBACH, SECRETARY OF LABOR

Secretary SCHWELLENBACH. I do not think that there is any specific authority. We have had the question come up in previous years.

I simply wrote a letter to General Fleming, after receiving a letter from General Grant saying that they expected an interruption in the service, and so forth, and as a result of a strike which they expected next week, which was 2 or 3 weeks ago.

I take the position that there is one place in town where you simply cannot have picket lines, and that is around the Labor Department. In this instance, we received some communications from the A. F. of L. union, the local union here, which indicated that they were interested in organizing the GSI employees, and I just cannot take the position about one labor union as against another labor union.

Mr. HOFFMAN. Is there a jurisdictional dispute there?

Secretary SCHWELLENBACH. I have had demands made there on me, I think three times, to open the cafeteria and they would organize the workers in the cafeteria in general.

Mr. HOFFMAN. The union whose members were operating there was a CIO union?

Secretary SCHWELLENBACH. Yes.

Mr. HOFFMAN. And the demands came from the A. F. of L.?

Secretary SCHWELLENBACH. Yes.

Mr. HOFFMAN. So there was a sort of jurisdictional dispute?

Secretary SCHWELLENBACH. Yes.

You understand that I get along remarkably well, considering the fact that there are two organizations, but I just cannot get myself into the middle of any particular dispute when there are jurisdictional arguments.

Mr. HOFFMAN. If there was a dispute there—let me see—the CIO refused to sign, did they not, those anti-Communist affidavits?

Secretary SCHWELLENBACH. Yes.

Mr. HOFFMAN. Have the A. F. of L. signed; do you know?

Secretary SCHWELLENBACH. I do not know.

Mr. HOFFMAN. I do not know, either.

Anyway, the A. F. of L. wanted to go in and organize, and the CIO had no right in there, had they, any more as a union if they would not sign?

Secretary SCHWELLENBACH. I do not so construe the act.

Mr. HOFFMAN. Do you construe the act to be such that they do not need to sign; that they may have all the rights given under the Taft-Hartley Act if they do not sign those affidavits?

Secretary SCHWELLENBACH. I construe the act to mean this:

In order to make use of the NLRB machinery, they have to file with us a financial statement and a rather long questionnaire.

They file it with the NLRB and an affidavit to the effect that these officers, whoever they may be, are not Communists. That means that they are completely barred from making use of the NLRB.

There are just hundreds, I would say thousands, of unions in this country that never have used the NLRB. They have gone ahead and bargained.

I might say one thing that disturbs me about this business is that we tried, and got authority under the Taft-Hartley Act—I will call your attention to the fact that I have not said a word about the Taft-Hartley Act—and I said I would not say it unless we could see whether or not it would work.

I did not think it was fair. We got the registration. We always figured there were about 60,000 unions in the country. It is rather difficult to get lists, but we got out and sent out 200,000 of these forms. You have to divide that by three, because we send three to each one.

Approximately three or four thousand of them were to lawyers who represented industries and people of that kind.

Actually, we contacted 57,000 unions. As of last week we had had only 10,003 comply. That means that 50,000 out of the 60,000 unions have not complied. I assume if they do not file with us, they do not go over and file a non-Communist affidavit with NLRB. That would be just a futile gesture on their part.

These other unions are bargaining all the time.

Mr. HOFFMAN. And getting along all right?

Secretary SCHWELLENBACH. Yes; without the use of NLRB.

Mr. HOFFMAN. That is their privilege.

Secretary SCHWELLENBACH. If they can bargain and get along. I do not believe it is necessary for them to conform to these requirements of the Taft-Hartley Act in order to sit down with their employer and bargain.

It worries me to think that we have 50,000 unions in the country which have not yet complied, assuming our figure of 60,000 is correct. That is one out of every six.

Mr. HOFFMAN. I do not see why that should worry you. If they bargain and get along with their employer all right without using NLRB, I say God speed them on their way. It is a short cut.

Secretary SCHWELLENBACH. The position is established here that they are disqualified from bargaining.

Mr. HOFFMAN. I see what you mean.

Secretary SCHWELLENBACH. Then it is going to mean that 50,000 unions—

Mr. HOFFMAN. The only penalty in the Taft-Hartley Act—if I am wrong I hope my colleagues here or you will correct me—the only penalty attached to that is that you cannot use the act in your bargaining.

In that, I understood you to say there were many unions bargaining with their employers without NLRB. If that is so, it is fine, is it not?

If they do not need the services, that is good.

Secretary SCHWELLENBACH. I dislike the interpretation which I think is wrong that they have to file in order to be able to sit down and bargain.

Mr. HOFFMAN. With the NLRB?

Secretary SCHWELLENBACH. Yes.

Mr. HOFFMAN. But you concede, as I understand it, or rather, you state that they can bargain if they bargain without the NLRB?

Secretary SCHWELLENBACH. Yes. I take the position that it is just a fact, so far as this part of it is concerned, that just the unions that do not qualify under the NLRB are in the same position as all the unions with prior to 1935 when the Wagner Act was passed.

Mr. HOFFMAN. They must be getting along all right, because the mere signing of an affidavit is not much of a job. If they are getting along without it—without the NLRB—is that not all right?

Or do you want them all to come in—

Secretary SCHWELLENBACH. No; I do not. That is what disturbs me. If we establish the idea that they cannot bargain, I do not imagine some of these unions in work, the amalgamated, which have not had strikes for years and years, I do not imagine they have ever used the NLRB. They have just created a relationship.

Mr. HOFFMAN. Get along fine.

Secretary SCHWELLENBACH. Yes.

Mr. HOFFMAN. There is another thing about the Taft-Hartley Act, if I have it right. That is, it is an effort to guarantee or to protect a man's right to work. That is in the act, too, is it not?

Secretary SCHWELLENBACH. That is not in the part that we have under discussion now.

Mr. HOFFMAN. It is another provision of the act.

Secretary SCHWELLENBACH. It is a provision against the closed shop.

Mr. HOFFMAN. Here are people, and according to the statement of Mr. Ayers, here are would-be employees who want to work in the Labor Department cafeteria, but you close it.

If you were engaged in a private business, that would be a lock-out, would it not?

Secretary SCHWELLENBACH. No.

Mr. HOFFMAN. Why not?

Secretary SCHWELLENBACH. It was closed after they went out on strike; it would not be a lock-out.

Mr. HOFFMAN. It would not be a lock-out because it was after they went out?

Secretary SCHWELLENBACH. No.

Mr. HOFFMAN. In any event, closing it deprives them of the opportunity to work, does it not?

Secretary SCHWELLENBACH. Yes; surely.

Mr. HOFFMAN. How do you, as a public official, justify the Federal Government's depriving individuals who want to work of the opportunity to work?

Secretary SCHWELLENBACH. I think my position is perfectly defensible. I certainly cannot operate the Department of Labor and get into a jurisdictional dispute between two unions in my own establishment.

Mr. HOFFMAN. You said that you just could not have picket lines down there.

Secretary SCHWELLENBACH. That is another way.

Mr. HOFFMAN. Are there picket lines around the White House, off and on? Just why cannot the Labor Department be picketed? You concede that a man has a right to picket if he wants to, do you not?

Secretary SCHWELLENBACH. Yes.

Mr. HOFFMAN. Surely.

Secretary SCHWELLENBACH. The Supreme Court is the only other place in town where the cafeteria was closed.

Mr. HOFFMAN. What is the distinction there between, for example, the Labor Department and the White House, or the Labor Department and the Treasury Department?

Did you know that down here in front of the Navy or around the Interior Building this morning, or now there are some 300 pickets?

Why should you, in the Labor Department, be exempt from picketing if the other departments have them marching around there?

Secretary SCHWELLENBACH. I can see a very logical distinction.

Mr. HOFFMAN. What is it? Let us have it. I am curious, sir.

Secretary SCHWELLENBACH. You cannot run a Department of Labor and get involved in a jurisdictional dispute between two labor unions.

Mr. HOFFMAN. So the Department of Labor says to the picket, "You cannot picket," and to the employees, "You cannot work. We will close it up."

Secretary SCHWELLENBACH. Yes.

Mr. HOFFMAN. If industry did that, what would happen? Do you have any idea?

Secretary SCHWELLENBACH. Industries do a lot of times.

Mr. SMITH. Then I get your testimony to be this:

That there is one place in the United States that a man cannot picket, and that is the Labor Department.

Secretary SCHWELLENBACH. In a jurisdictional dispute; yes.

Mr. SMITH. If it is a jurisdictional dispute?

Secretary SCHWELLENBACH. Yes.

Mr. SMITH. If they come down and start picketing, what are you going to do about it?

Secretary SCHWELLENBACH. I cannot stop them from picketing if somebody wants to.

Mr. SMITH. Then they have broken your inviolate rule, have they, if they come down and picket?

It is just wishful thinking on your part that they must not picket the establishment, because you are inviolate, and it is the only place in the United States that you cannot carry a sign and say they are unfair.

They can do it at the White House. They can do it at the Capitol or any other place.

The press carried a note that you were going to enter into this discussion and see if you could not get it settled; is that a true statement?

Secretary SCHWELLENBACH. The statement was, as I remember it—it was in the Washington Post, you mean, this morning?

Mr. SMITH. Yes.

Secretary SCHWELLENBACH. That I was considering the proposition of intervening, and I was visited yesterday by six Negro ministers of the community. I explained the situation in which I found myself; that under the Taft-Hartley Act the power to mediate and conciliate disputes was taken out of the Department of Labor and put into the Federal Mediation and Conciliation Service. The function was taken away from the Department of Labor.

There is nothing in the act that says that I am prohibited from attempting to conciliate, but it certainly was the intent of Congress that I do not attempt to conciliate.

I do not think there is any doubt about that, and I did not see how I could go in and invite the parties in and get them around a table and start the conversation going and try to get them to settle.

While there is not an express prohibition against it, I think the Congress pretty well told me in the Taft-Hartley Act that they did not want the Labor Department conciliating labor disputes.

Mr. HOFFMAN. We did not tell you. We just told the Labor Department. There was nothing in the bill personal about it.

Secretary SCHWELLENBACH. No. I know that.

Mr. SMITH. Your theory is that you think that in order to protect your department, you said close it up, even though there were a lot of people who wanted to go back to work down there and earn their daily bread.

In order to be inviolate, I think it is all right to keep them out of employment, just for that reason, that the Labor Department must be up on a pedestal and it cannot take part.

Secretary SCHWELLENBACH. Well, I do not quite go along with the last part of your statement, when you say the Labor Department must be up on a pedesal.

I have never considered I was up on any pedestal.

Mr. HOFFMAN. You might be on a spot.

Secretary SCHWELLENBACH. I have been on the spot for 21½ years, now, trying my best——

Mr. HOFFMAN. It seems, to my mind, that that is the conclusion that would be drawn. You say to these people down there who want to work, "You cannot work here."

Secretary SCHWELLENBACH. I will say that I have not received a single letter or telegram from anybody who wants to work down there, asking me to reopen the cafeteria.

Mr. HOFFMAN. Have you received any messages from people who wanted to eat in the cafeteria, about having it opened?

Secretary SCHWELLENBACH. No.

Mr. HOFFMAN. So everybody is satisfied without a cafeteria. If that is so, we might just forego that cafeteria down there.

You think they would get hungry later on?

Secretary SCHWELLENBACH. I am hopeful that some way this matter could be adjusted.

Mr. HOFFMAN. Do you think that the Taft-Hartley Act does not apply to services rendered Government agencies or in Government buildings; put it that way. I guess it does not apply to Government agencies. But what about Government buildings?

Secretary SCHWELLENBACH. I am giving you partially hearsay, but I understood that always the GSI took the position that it was not subject to the Wagner Act, and could not be forced to go before it—before the NLRB.

One time before I came—this is hearsay, told me by one of the men in the Department—during the war, they got into a squabble about representation of the union, and because war was on the Government Services, Inc., still reserving its rights to object to the jurisdiction, agreed that balloting machinery of the NLRB could be used for the purpose of the election, but that outside of that, up until this year, they have always taken the position that they were a quasi-governmental agency and therefore did not need to go before and could not be hauled before the NLRB. It is a little difficult to know just what this corporation is.

Their board of directors, I understand, are appointed by the heads of certain departments. They are Government employees. The Government furnishes the rooms, the tables, and so forth.

They are supposed, after 6 percent of their investment is set aside, to the corporation, to split the profit after that point with the Government.

Mr. HOFFMAN. I recall in the First World War there were certain companies that furnished some of the camps with services.

Would you say, if there was a jurisdictional dispute or labor dispute there, that the War Department, for example, would be justified in just closing down that service?

Secretary SCHWELLENBACH. No. I have not asked any other department to close down.

Mr. HOFFMAN. Just the Labor Department.

Secretary SCHWELLENBACH. Yes.

Mr. HOFFMAN. All right. Mr. Fisher.

Mr. FISHER. Mr. Secretary, with reference to the Labor Department, of course the dispute there, jurisdictional or otherwise, is not between the union and the Labor Department, but between the union and an independent organization known as Government Services, Inc.; is that not correct?

Secretary SCHWELLENBACH. Plus—I do not know to what extent the local, I think it is called the Bartenders and Restaurant Workers Union, the A. F. of L. union—and I do not know to what extent they have done anything except that they have sent me some telegrams and letters.

Mr. FISHER. Anyhow, the whole problem involved in the dispute is not between any relationship with the Labor Department by the union, but rather, the relationship with the GSI; is that not correct?

So, the strike is against the GSI, not against the Government; is that not correct?

Secretary SCHWELLENBACH. As I said a minute ago, it is rather difficult to determine just what this corporation is.

I am told that they have always in the past claimed that they were a quasi-Government agency.

Mr. FISHER. The Labor Department itself has no contract with the union; has it? With reference to operation and the work that is done in the cafeterias?

Secretary SCHWELLENBACH. No.

Mr. FISHER. So the strike there would not be against the Labor Department, but rather, against the organization that operates the cafeteria. Is that not correct?

Secretary SCHWELLENBACH. Yes; that is correct.

Mr. FISHER. So if there is picketing, it would not be against the Labor Department; it would be against the operators of the cafeterias, would it not?

Secretary SCHWELLENBACH. That is true.

Mr. FISHER. Suppose, for example, that some of the old employees who want to work in the cafeteria at the Labor Department should picket the building with a sign saying, "We want to go back to work. The Labor Department will not let us work."

What would you do in a case like that if you had a picket line of that kind formed?

Secretary SCHWELLENBACH. I would simply go to the head of the governmental organization to which it belonged, and tell him to take their pickets away from there.

Mr. FISHER. I am referring, of course, to employees who have been working there and who want to go back to work.

Secretary SCHWELLENBACH. You may think this is entirely irrelevant to this issue.

Mr. HOFFMAN. What is that?

Secretary SCHWELLENBACH. You may think what I am going to say is entirely irrelevant to this issue.

Mr. HOFFMAN. We are glad to have any opinion you have, relevant or not.

Secretary SCHWELLENBACH. I can see Communist papers in France and Italy carrying pictures of pickets around the Labor Department and wielding a great amount of influence in the arguments that they are having over there, saying, "This is the way the United States treats its workers. Even in the Labor Department, which is supposed to represent all the workers in the country, it has a picket line around it."

Mr. FISHER. Mr. Secretary, just a little more on the point I asked you there, and I will not pursue it further.

You say that you ordered this closed because you did not want to involve the Department in a jurisdictional dispute, and I understand your reason very well.

You would not want a picket line outside the Labor Department, and in order to prevent that, you felt it wise to order the cafeteria closed when the dispute arose.

Secretary SCHWELLENBACH. To request—I did not order it.

Mr. FISHER. Request, I mean.

Secretary SCHWELLENBACH. I wrote a letter to General Fleming.

Mr. FISHER. It was in the form of a request. If you could order the pickets taken away if they picketed the place, by the same token if the thing was opened and they picketed, could you not order them taken away for the same reason, and with the same authority?

They would be picketing because it was operating, just as they would be picketing because it was not operating.

Secretary SCHWELLENBACH. No; I could not.

Mr. FISHER. So far as you know, the Conciliation Service has not assumed any jurisdiction over this dispute; is that correct?

Secretary SCHWELLENBACH. No. I understand—I talked to Mr. Colvin, and I understand they did some work on it several weeks ago.

Mr. HOFFMAN. They cannot, can they, Mr. Fisher, because these fellows have not signed the affidavit, they have no jurisdiction in the Conciliation Service, have they?

Secretary SCHWELLENBACH. I do not so read the law as saying that the Conciliation Service cannot offer its services.

Mr. HOFFMAN. Pardon me. You see, what I mean—

Mr. FISHER. There is a distinction, of course, with references to conciliation and mediation, and I presume you know that in this case the union refused to comply with the law by filing anti-Communist affidavits.

Those who do conform come within the wording of the law; is that not correct?

Do you make a distinction in dealing with unions between those who do and those who do not conform with the law on the anti-Communist affidavits?

Secretary SCHWELLENBACH. No; I do not think so. The problems that we have now are not labor disputes, that involve the question of NLRB at all. I do not ask some union. I do not know which ones have qualified or not. I do not ask some union if they want to get material, printed pamphlets by the BLS, of some kind. I do not ask him if they have complied.

Mr. HOFFMAN. If the other Government agencies followed that sort of policy which you have established down there, it would be pretty tough, because every time new unions wanted to get collection of dues from the same group, everybody would be out of a job.

Secretary SCHWELLENBACH. The other Government Departments are not in the position that we are in.

Mr. HOFFMAN. They are not in the same position as the Labor Department?

Secretary SCHWELLENBACH. Yes.

Mr. HOFFMAN. Then maybe we had better make an exception.

Would you suggest we except the Labor Department or all of the employees from the Taft-Hartley Act, or something of that kind?

Secretary SCHWELLENBACH. No; I would not do that.

Mr. HOFFMAN. You know very well, do you not, Mr. Schwellenbach, that the labor unions themselves have strikes and they have their own offices picketed; not very often, but sometimes.

That is true; is it not?

Secretary SCHWELLENBACH. I had a fine picket line when I spoke at the Commonwealth Club in San Francisco last spring. They would not let anybody in, and I walked through it.

Mr. HOFFMAN. And you were Secretary of Labor, too.

Secretary SCHWELLENBACH. It was organized by Communists. I testified, I think, before this committee just prior to that time that I thought the Communist Party ought to be outlawed.

Mr. HOFFMAN. You walked through the picket line?

Secretary SCHWELLENBACH. It was not any union picket line. That was just a Commie picket line.

Mr. HOFFMAN. Down here, there is no use in a fellow going through, because after he gets through there is nothing to work at, because you have closed it and taken away his job.

Suppose someone of the group who wanted to work did go down and picket your place of business, which was the question Mr. Fisher was asking?

You said you would call his organization, but suppose he did not belong to an organization; just a group of them. What would you do about it. You would have to take the picketing, would you not?

Secretary SCHWELLENBACH. Yes.

Mr. HOFFMAN. I think that is all.

We surely want to thank you for coming up on such short notice.

Mr. Cross. Mr. Chairman, may I supplement a couple of points in the Secretary's statement upon which he stated he was not entirely familiar?

Mr. HOFFMAN. Yes.

Mr. Cross. Within recent years there have been several decisions or rulings that GSI is a private, charitable corporation. So we understand that to be the status of the organization.

The other point: As far back as 1938, we have relied upon the labor boards elections to determine who should be the bargaining representative for our employees.

For the former union, the former CIO union, was certified by the regional director of the National Labor Relations Board in 1936. In that, I knew those had not been brought to your attention.

Secretary SCHWELLENBACH. I said that part of my testimony was hearsay. I understood that when you had that election I thought it was during the wartime—it was in 1938?

Mr. Cross. That is right.

Secretary SCHWELLENBACH. You reserved your right to the jurisdiction.

Mr. CROSS. That is right, but we complied with the ruling of the Board and since that time we have received these rather definite rulings on the status of the organization.

Those are the points that I thought you were stating you were not familiar with entirely.

Secretary SCHWELLENBACH. I said that portion of it was hearsay.

Mr. FISHER. In other words, you recognize the jurisdiction of NLRB over the GSI?

Mr. CROSS. That is correct; sir. There have been statements in the press that we did not but those were not correct statements. We previously recognized that.

We did in this situation and we presented this to NLRB. They ruled that this union was ineligible to represent the organization.

Secretary SCHWELLENBACH. Would you mind if I listened to this?

Mr. HOFFMAN. We would be glad to have you, or to make any suggestions you want to make.

Mr. CROSS. It is with reference to the failure to file the noncommunitistic affidavits and the financial statements. The regional director, Mr. Ross N. Madden, in a letter addressed to our corporation, under date of December 31, 1947, says:

Its—

meaning the union—

failure to meet these requirements renders it (above organization) ineligible for certification as a bargaining representative of any unit of your employers, and likewise ineligible to invoke any of the processes of this Board in the protection of any of their members.

In view of this, no election which might be held would be determinative of any rights as certificated by the organization named.

Mr. HOFFMAN. Are you ready to bargain with the union properly certificated?

Mr. CROSS. Yes; we always have been.

Secretary SCHWELLENBACH. May I ask you this question? As I say, it worries me:

Do you contend that that bars you from negotiating with them?

Mr. CROSS. This is a difficult legal point, and I think there is still going to have to be some consideration given to this.

By the way, so far as I know we have no controversy with your Department over the situation. As we see it, we certainly agree with the Secretary's statement that prior to the time that the question of complying by filing these affidavits arises, there is no question that any employer could sit down and bargain with the union, whether or not they complied.

In this circumstance, and this is somewhat historical now, we had two thoughts in mind. First, there was some question as to whether or not this union would comply. Considerable hope, I might say that they would. There certainly had been some question raised as to the character of this union operating in Government buildings. It is true that the trustees of the organization took the position that because we operate in Government buildings, because there was a loyalty program among Government employees then in progress, we should take the position that whatever union we bargained with should file the affidavits.

So, we requested the affidavits.

Mr. HOFFMAN. Let me interrupt you there. Right at that point, if the Federal Works Agency, represented here by Mr. Johnstone, had desired, they could have kicked you out if you put people in who were disloyal; could they not?

Mr. CROSS. Well, there has been some criticism on the point. The situation had never reached that stage, frankly.

Mr. HOFFMAN. All right. Go ahead. Pardon me.

Mr. CROSS. Now—

Secretary SCHWELLENBACH. I can see the position that you take; any employer has a right to bargain or not to bargain.

If you have a certificated union, it is an unfair labor practice for you not to bargain. I do not think you need to take the position that this paragraph in this letter says to you that you cannot.

Mr. CROSS. Frankly, here is what worries us:

Once having taken that position, then rumors began to reach us that our employees, at least, some of them, did not intend to get us in the position which the union leaders took.

Then we called for an election by the National Labor Relations Board, at which time we received the letter. The difficult question that I think is posed, and again, perhaps this is more hindsight than foresight, but as the status of the matters stands today, it seems entirely probable to me that an employer crosses a legal Rubicon once they present the matter to the National Labor Relations Board.

I will admit, as the Secretary has suggested, that had we never have raised this question, there would have been no doubt as to our ability to sit down and bargain.

Mr. HOFFMAN. You are right.

Mr. CROSS. Then with this union. That is right. Because we were operating in Federal buildings and because of the loyalty campaign, the trustees felt we should raise the question.

We raised the question. We submitted the matter to the National Labor Relations Board for an election. The NLRB advises us that this union is ineligible to bargain with us. It seems to me at that stage of the game you met a legal Rubicon.

Secretary SCHWELLENBACH. That paragraph does not say that; I am sorry.

Mr. HOFFMAN. Read it in the record.

Mr. CROSS. Well—

Secretary SCHWELLENBACH. You are thinking about your dispute for the moment, and I am thinking about 50,000 others.

Its failure—

that is, the union's failure—

to meet these requirements—

that is, file the affidavit—

renders the above organization ineligible for certification as a bargaining representative of any unit of your employers and likewise ineligible to invoke any of the processes of this Board in the protection of any of their members.

In view of this, no election which might be held would be determinative of any rights asserted by the organization named.

I construe that—General Grant sent me a copy of it—to mean that an employer, if he wants to, can bargain or, if he has reasonable ground to believe that the union is no longer representative of the employees, ask for an election.

But I do not believe that it means that they cannot. Frankly, I would have to disagree with you that you cross some Rubicon because you ask it.

Mr. HOFFMAN. As I understood the witness, he does not disagree with you on that. He says having once crossed this line here and sought the advice of the Government.

What do you say about this proposition? Do you think that an organization, which is operating in a Government building or with the Government, should not endeavor to comply with the National Labor Relations Board or the act?

Secretary SCHWELLENBACH. Yes; I certainly do.

Mr. HOFFMAN. That is just what this organization is doing; is it not?

Secretary SCHWELLENBACH. That is what we have been telling them, too.

Mr. HOFFMAN. The organization here is asking the union to comply with the provisions of the Taft-Hartley Act. There is nothing wrong about that.

The union sits back and says "we don't want any of that." Inasmuch as this organization is operating in Government buildings, having, I should think, some loyalty to go along with Government policy which calls for these affidavits, I do not see how the corporation here can take any other position than it has taken.

Then you come along and close their place of business.

Secretary SCHWELLENBACH. I have presented all of the reasons that I can think of to justify my position.

Mr. HOFFMAN. All right.

Secretary SCHWELLENBACH. I am very glad that you take a broader view of it than just simply say that since the union has not qualified, that that is the sole reason why you cannot bargain with them.

Mr. CROSS. That did not seem to be the sole reason which started this controversy. I did not mean to engage in an argument with the Secretary. I simply wanted to cite those two points.

Mr. HOFFMAN. It is very helpful.

Do you have some questions you want to ask, Mr. Smith?

Mr. SMITH. No. I would like to get the head of the union.

Mr. HOFFMAN. He is here.

Mr. FISHER. Did you want to question Mr. Cross?

Mr. HOFFMAN. No. You can question him.

Mr. FISHER. Mr. Cross, except for the request from General Fleming and except for the request from Marshal Waggaman, those two cafeterias would be open and operating; is that correct?

Mr. CROSS. That is my understanding.

Mr. AYERS. That is true; that is right, sir.

Mr. FISHER. Did you have contracts with both unions, the CIO and the A. F. of L.?

Mr. AYERS. We have only one contract with the A. F. of L., and that is the butchers' union, about 10 employees. We have no contract with the cafeteria workers, with the A. F. of L.

Mr. FISHER. Are you familiar with the jurisdictional dispute that has been referred to here?

Mr. AYERS. To this extent; that is, when the strike took place we were notified by the A. F. of L., I think, that there were a number of articles published in the papers that we were interested in organizing the employees.

Mr. HOFFMAN. Strictly speaking, there is not any jurisdictional dispute, is there?

What the A. F. of L is doing, is trying to do as the CIO stated, is to raid the membership of the other union.

That is the way the CIO would put it. The A. F. of L. probably says the CIO union here is not any good, and they want to give the employees a good union.

Mr. FISHER. Do you know if the A. F. of L. union has complied with the law?

Mr. AYERS. In their announcements that I have seen they have made the statement that they have signed.

Mr. FISHER. In other words, they have signed the affidavits that none of their officers are members of the Communist Party, and so forth?

Mr. AYERS. That is right.

Mr. FISHER. But the CIO union, the one that went on strike refuses to make affidavits; that is, their officers refuse to make affidavits that they are not members of the Communist Party.

Mr. AYERS. That is right.

Mr. FISHER. There is quite a bit of evidence to the effect that the CIO union is a Communist-dominated union; is there not? Or do you want to express an opinion on that?

Mr. AYERS. We have some material along that line which we will be glad—

Mr. FISHER. What you want to do is to do business with a union that is willing to conform with the laws of this land, and you prefer to do business with a union that does not have Communists for officers; is that correct?

Mr. AYERS. That is right.

Our trustees, in making this decision, felt that they were morally bound to take this step because of the loyalty check on the Government workers in the Government buildings, sir.

We operate solely on Government property, and their employees come into the buildings where they are having a loyalty check. It was for that reason that they made this request of the union.

Mr. FISHER. I commend you for abiding by the request.

That is all, Mr. Chairman.

Mr. HOFFMAN. The employees who work in these places have to take the loyalty test; do they not—the Federal employees?

Mr. AYERS. Yes.

Mr. HOFFMAN. And you wanted the workers who served them to take a like test or, at least, to comply with the Federal law?

Mr. AYERS. We wanted to know that the union representing these employees complied; yes.

Mr. HOFFMAN. You were afraid if you had people, who were Communists, in your employ, they might feed some of that doctrine, as well as the food, to the Federal workers?

Mr. AYERS. We felt we were complying with the law of the land when we were doing it.

Mr. HOFFMAN. Is Mr. Chapman here?

Do you solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. CHAPMAN. I do.

Mr. HOFFMAN. Mr. Smith, will you take the floor?

TESTIMONY OF HON. OSCAR L. CHAPMAN, UNDER SECRETARY OF THE INTERIOR

Mr. CHAPMAN. Mr. Chairman, may I say I tried to get in touch with the Secretary before I left, and I was unable to reach him.

He had not arrived from his other conference back to the office.

Mr. SMITH. What is your position?

Mr. CHAPMAN. Under Secretary of the Interior.

Mr. SMITH. How long have you occupied that position?

Mr. CHAPMAN. A year ago last April, as Under Secretary.

Mr. SMITH. Before that time, what was your occupation?

Mr. CHAPMAN. Assistant Secretary.

Mr. SMITH. Before that time?

Mr. CHAPMAN. I was in the law practice in the city of Denver.

Mr. SMITH. When did you leave Denver?

Mr. CHAPMAN. 1933.

Mr. SMITH. Do you know Earl Browder?

Mr. CHAPMAN. No; I don't.

Mr. SMITH. What do you know about this dispute that we are discussing here this afternoon?

Mr. CHAPMAN. I don't know anything about the merits of the dispute between the employees, the union, and the GSI organization at all.

Mr. SMITH. Is your cafeteria operating down in your building?

Mr. CHAPMAN. Yes; it is.

Mr. SMITH. Did you have anything to do with their getting to close the cafeteria in the Labor Department?

Mr. CHAPMAN. No; I did not.

Mr. SMITH. Have you had any discussions with anybody relative to the merits of this matter?

Mr. CHAPMAN. You are speaking of the merits of the controversy when the GSI and the union fell apart?

Mr. SMITH. Yes.

Mr. CHAPMAN. No; I have not.

Mr. SMITH. Have you had it with any party?

Mr. CHAPMAN. No.

Mr. SMITH. You have had no conference?

Mr. CHAPMAN. Not as to the merits of the controversy.

Mr. SMITH. What have you had a discussion about?

Mr. CHAPMAN. I have had several discussions regarding the policy involved as to whether we should or should not have the cafeteria closed in our Department, with a hope that we might avoid difficulties that we were afraid would arise out of a strike around and in our building.

We were trying to find some way to avoid it. Following the policy established in the previous strike in which we asked that it be closed, and it was, we saved ourselves considerable difficulty, I think, in that strike.

Mr. SMITH. What do you mean by difficulty?

Mr. CHAPMAN. Such incidents as happened in the last couple of days, having difficulties with the pickets around the building and involving the policies of the police of our Department.

Mr. SMITH. You are trying to protect—

Mr. CHAPMAN. I think we have as fine a group of police officers as there is anywhere in the country in the Metropolitan Police, the Park

Police. I did not want the situation to arise, if I could avoid it, that would involve them in having to do anything with pickets around the buildings.

Mr. HOFFMAN. Will you yield right there?

You are not one of those who complained about the police escorting workers or would-be workers through the lines, then?

Mr. CHAPMAN. No. I have not complained to anybody about it. We played quiet. We made the request that the cafeteria be closed—the Secretary and I.

Mr. SMITH. You made that request to whom?

Mr. CHAPMAN. To General Fleming.

Mr. SMITH. You do not have the power that the Secretary of Labor has down at the Interior Department that you can close your building?

Mr. CHAPMAN. No; we do not have the authority to close the cafeteria ourselves.

That jurisdiction is with General Fleming's office.

Mr. SMITH. But your opinion was that your cafeteria should have been closed?

Mr. CHAPMAN. We feel that if the cafeteria had been closed we would have saved a lot of difficulties that are now arising out of the strike itself.

Mr. SMITH. That should also apply to all these other 42 cafeterias?

Mr. CHAPMAN. We did not attempt to try to reach that far into thinking for the other fellows' organization. We were thinking about our own people and trying to save difficulties for our own administrative set-up there, and our own people as much as we could.

Mr. SMITH. You did not think about the people who wanted to work down there?

Mr. CHAPMAN. Yes; I did.

Mr. SMITH. When you get those two policies before you to balance, you tipped the balance over here and said it would be better if they did not operate to open it because it might save you some embarrassment down there?

Mr. CHAPMAN. Usually, like the last time, there are usually so many accusations that our employees are participating in the strike itself and taking part.

Those accusations usually are made by both sides as a rule. Seeing this developing, we wanted to avoid that situation as we had before, without becoming involved in it, if possible.

Mr. HOFFMAN. How many people do you feed in the Interior Department Cafeteria?

Mr. CHAPMAN. I don't know, about—

Mr. AYERS. 2,400.

Mr. HOFFMAN. Where do those 2,400 eat now?

Mr. CHAPMAN. The cafeteria is open.

Mr. HOFFMAN. You did not close it; Fleming would not do it?

Mr. CHAPMAN. That is right.

Mr. HOFFMAN. You started this closing idea, did you not?

Mr. CHAPMAN. No; we did not start it.

Mr. HOFFMAN. Who did down there?

Mr. CHAPMAN. You mean in our department?

Mr. HOFFMAN. Yes.

Mr. CHAPMAN. The Secretary himself discussed it the day after the strike was called.

Mr. HOFFMAN. Did you not call it to his attention?

Mr. CHAPMAN. It was called to my attention by some of the employees of the Department.

Mr. HOFFMAN. Then you called to the Secretary's attention this situation?

Mr. CHAPMAN. Yes; that is right.

Mr. SMITH. Have you ever been a member of the American League Against War and Fascism?

Mr. CHAPMAN. No.

Mr. SMITH. Have you ever been a member of the American League for Peace and Democracy?

Mr. CHAPMAN. No.

Mr. SMITH. Did you ever sponsor the American Council for American-Soviet Friendship?

Mr. CHAPMAN. Yes, my name was used as a sponsor.

Mr. SMITH. Did you sponsor a Soviet Russian Day dinner on the twenty-fifth celebration of the Red Army?

Mr. CHAPMAN. I don't recall, Congressman, that I did.

Mr. SMITH. Have you been a member of the Society of Soviet Russia Day, and were you one of the speakers to welcome Soviet fliers?

Mr. CHAPMAN. No.

Mr. SMITH. Anybody who says that you did is telling an untruth?

Mr. CHAPMAN. Yes. If anyone said I made a speech welcoming the Soviet fliers is mistaken or an untruth, whichever it may be.

Mr. SMITH. You have not been affiliated in any way, form, or manner with that organization?

Mr. CHAPMAN. Would you repeat that organization again?

Mr. SMITH. Tell me what ones, if I have not read right, tell me what you did.

Mr. CHAPMAN. I didn't know whether you repeated the same name you had a moment ago when you spoke of the Council for Soviet-American Friendship. I didn't know whether that was the same name you repeated.

Mr. SMITH. If the Daily Worker on June 30, 1937, carried a story to that effect, that you were one of the speakers to welcome Soviet fliers, they would be telling an untruth, is that so?

Mr. CHAPMAN. They would.

Mr. SMITH. Did you attend the Southern Conference for Human Welfare in Washington last spring?

Mr. CHAPMAN. I don't recall whether I attended one last spring or not. I have attended one conference.

Mr. SMITH. Then I will ask you directly.

Mr. CHAPMAN. Let me—

Mr. SMITH. Did you on April 7, 1947, at the Statler Hotel, attend a conference of the Southern Conference for Human Welfare?

Mr. CHAPMAN. No, Congressman. I was the chairman of the committee that organized that dinner for Justice Black as an honorary dinner for him, and it was sponsored by the Southern Conference for Human Welfare, along with other citizens. I was chairman of that dinner, but unfortunately I was ill that evening and did not get to attend.

Mr. SMITH. Did you sponsor a meeting on March 5, 1940, at the National Press Club in Washington, D. C., at which Maury Maverick

spoke on Politics and Liberty, and that you acted as chairman of that meeting?

Mr. CHAPMAN. I don't recall whether my name was used as sponsor of that meeting, but I did not act as chairman.

Mr. HOFFMAN. Were you there?

Mr. CHAPMAN. No; I was not.

Mr. SMITH. I will ask you again, whether or not you had a part in the call of the Council for American-Soviet Friendship November 6 to 8, 1943, and that you were one of the sponsors of that organization?

Mr. CHAPMAN. If that is the same organization to which you referred previously, my name is on as a sponsor of the organization. It was used as sponsor for their meetings, generally, if that is the same organization as the Council for Soviet-American Friendship.

Mr. SMITH. The Southern Conference that you said you were sick and did not attend, are you familiar with the purpose of that organization?

Mr. CHAPMAN. In a general way I think I am.

Mr. SMITH. I will ask you whether or not it does not show unswerving loyalty to the basic principles of American-Soviet foreign policy?

Mr. CHAPMAN. I had never so interpreted it that way.

Mr. SMITH. Has it ever attacked in any way any communistic doctrine or said anything about the present attitude of the Russian Government?

Mr. CHAPMAN. I don't recall whether it has or not.

Mr. SMITH. Has it not consistently displayed anti-American and pro-Soviet bias, despite professions in glittering generalities of its love for America?

Mr. CHAPMAN. Are you speaking of the Southern Conference?

Mr. SMITH. That is right.

Mr. CHAPMAN. Not to my knowledge.

Mr. SMITH. That is all.

Mr. CHAPMAN. I may say I am not a member of that, and I am not a member, my name is not a sponsor of the Council for Soviet-American Friendship. I withdrew my name from sponsorship of the Soviet-American Friendship more than a year ago because of the fact that I was unable to keep up some of the programs that were being sponsored. I so wrote them a letter and withdrew over a year ago. For that reason——

Mr. HOFFMAN. How long were you a member?

Mr. CHAPMAN. Probably a couple of years. I don't remember the exact time, Congressman. My name was used as a sponsor.

Mr. SMITH. They used your name knowingly?

Mr. CHAPMAN. Oh, yes. I gave consent to use it at first, but as the program began to unfold and they were having meetings and sponsoring programs that I was unable to keep up with, I felt that an official in my position should not be using his name for the sponsorship of things he could not keep up with definitely.

Mr. FISHER. What do you mean "keep up with"?

Mr. CHAPMAN. I didn't have the time to follow the program. As an example, they put on a program in New York City, with considerable publicity, and speakers, advocating a program of different kinds. I just didn't have the time to follow the program itself. I just did not wish to have my name connected with it in any way.

Mr. FISHER. Was there any specific thing they advocated that caused you to withdraw or just the fear they might advocate something you did not know about?

Mr. CHAPMAN. There were several programs that had been sponsored that were of some controversial nature. I concede the right of a different opinion on those things, and I just didn't feel in my position that I ought to allow my name to be used for the sponsorship of that kind of program.

Mr. FISHER. The reason was not any specific action or anything they advocated that caused you to withdraw?

Mr. CHAPMAN. Except that I was not certain—I didn't know whether I agreed with some of it or not. Some of it I didn't quite agree with which was probably because I didn't understand all about it. Because of the fact that I didn't have opportunity to study all about it I didn't want to sponsor it under those circumstances.

Mr. FISHER. The withdrawal, then, was not predicated on any specific thing that you could point to that you disagreed with?

Mr. CHAPMAN. No; it was the general attitude of things that I saw that I felt I didn't know enough about myself to say that I agreed with that kind of program. Rather than take time from any energies that I needed for other things, I withdrew from it.

Mr. HOFFMAN. In August of 1938, or any time prior thereto, did the letterhead of the American League Against War and Fascism carry your name?

Mr. CHAPMAN. I don't recall, Congressman, whether it did or not.

Mr. HOFFMAN. You know of the organization?

Mr. CHAPMAN. Yes, I think I am acquainted with what it is.

Mr. HOFFMAN. Were you a member of it?

Mr. CHAPMAN. To my knowledge, I never was a member of it. I think I was on their mailing list, Congressman.

Mr. HOFFMAN. Did not their letterhead carry your name, Oscar Chapman, Assistant Secretary of the Interior?

Mr. CHAPMAN. If it did, I am not familiar with it. It may have. I don't recall.

Mr. HOFFMAN. If it was, it was without your knowledge and consent?

Mr. CHAPMAN. If they carried it it was without my consent, because I don't recall giving—

Mr. HOFFMAN. And without your knowledge?

Mr. CHAPMAN. I don't remember ever seeing it. I have never attended a meeting of those organizations of any kind at any place to my knowledge at all.

Mr. HOFFMAN. You say you were never a member of the American League Against War and Fascism?

Mr. CHAPMAN. No; not to my knowledge, Congressman.

Mr. HOFFMAN. That organization was one of those cited as a Communist front by Biddle?

Mr. CHAPMAN. Yes; I think it was.

Mr. HOFFMAN. You did live at the Kennedy-Warren, 3133 Connecticut Avenue, Washington?

Mr. CHAPMAN. That is right.

Mr. HOFFMAN. And you say you were not—or were you—a member of the American League for Peace and Democracy at that time?

Mr. CHAPMAN. To my knowledge, I never have been a member. If I was, I don't recall ever signing any blank or anything. I have never attended a meeting.

Mr. HOFFMAN. Have you ever heard before that you were listed as one of their members?

Mr. CHAPMAN. Yes. I think the Dies committee had my name among them.

Mr. HOFFMAN. Did you ever make any inquiry to ascertain?

Mr. CHAPMAN. I did. I tried to find out.

Mr. HOFFMAN. What was the result?

Mr. CHAPMAN. I could not find out where there was any record or anything indicating I ever belonged. I could not find it.

Mr. HOFFMAN. Of course, you understand in asking you these questions, there is no intimation carried that the answer is one way or the other.

Mr. CHAPMAN. It is perfectly all right, Congressman.

Mr. HOFFMAN. Many are accused of many things, and sometimes there is a foundation and sometimes there is absolutely none.

Mr. CHAPMAN. The FBI made a very careful check-up after that, of which I have no resentment whatever, I was glad they did. That report was filed.

Mr. HOFFMAN. There are many organizations that people belong to that at the time they joined——

Mr. CHAPMAN. That is right.

Mr. HOFFMAN. Were supposed to be something different from what they afterward turned out to be. You don't know of any organization that might be called a leftist organization or a front organization for the Communist Party to which you ever belonged or were ever affiliated with in any way?

Mr. CHAPMAN. No; not at all.

Mr. HOFFMAN. I think that is all. That ought to clear the record.

Mr. CHAPMAN. That is all right.

Mr. HOFFMAN. That is all.

Thank you, Mr. Chapman.

Mr. CHAPMAN. Thank you.

Is Mr. Oliver T. Palmer here? He was coming up.

Is the district officer of the Police Department here who saw the incident where Willie Jasper Thompson was involved? If you will come forward, all three.

**TESTIMONY OF H. F. MOWRY, SERGEANT, METROPOLITAN POLICE;
HORACE S. CHILDRESS, CORPORAL, METROPOLITAN POLICE; AND
EUGENE A. GROSS, PARK POLICE**

Mr. HOFFMAN. Willie Jasper Thompson has sued you gentlemen for a certain sum. How many of you?

Mr. MOWRY. We three and one other.

Mr. HOFFMAN. Four of you.

Mr. MOWRY. For \$36,000 total.

Mr. HOFFMAN. Tell us, whichever one of you was there at the beginning of this, what happened there and where it was.

Mr. MOWRY. It was about 5:30 a. m., on Thursday, January 15, and the happening occurred in front of the Eighteenth Street en-

trance to the Navy Department Building on Constitution Avenue. At that time there were probably 25 pickets in the line, and we were in that neighborhood because of complaints that the persons going to work were being molested and stoned. I was riding in a police car with Corporal Childress and Captain Wallrodt, who is not here today.

We made a circle around the C Street entrance to the new Interior Building where the street cars unload. At that time there were 10 colored people got off the streetcar and headed toward the Navy Department.

We fell in behind them and followed them down to see how they made out in crossing the picket line. They crossed Constitution Avenue and as they started across we stopped at the north curb of Constitution Avenue, still on Eighteenth Street, and watched them continue across Constitution Avenue.

The picket line was so long that unless they made a detour around them, they would have to go through the line. There was no other way to get to the entrance unless they walked a considerable distance around the line. They went through the line.

Mr. HOFFMAN. Did anyone have to push the pickets to get through?

Mr. MOWRY. There was considerable jostling.

Mr. HOFFMAN. How close were the pickets walking to each other?

Mr. MOWRY. It was a bitterly cold morning. I think the temperature was around 15°. They were not marching, they were trotting. They were very close together. It was impossible to go between them without touching either one or the other. It would be impossible. My attention was attracted to a man, I later learned his name was Ensley, as he went through the line this big fellow who was in the picket line, who was the biggest one by far of any in the line, reached back with his foot and kicked him in the shin. Then there was a little scuffle there. He had this boy Ensley on the ground, on the sidewalk. He jumped right up on him with both foot and started stomping him with his heels.

Mr. HOFFMAN. What do you mean?

Mr. MOWRY. Ensley was lying on the sidewalk and he jumped on him, around his shoulders, and stomped him on the head with his heel.

Mr. HOFFMAN. Was Ensley face down or face up?

Mr. MOWRY. He was sort of on his side.

Mr. HOFFMAN. Do you know how tall this gentleman who jumped on Ensley was?

Mr. MOWRY. I would say he was a good 6 feet 2 or 3. He is a big boy.

Mr. HOFFMAN. Did you have him over at the Department and get his weight and height and all?

Mr. MOWRY. They have, but I don't know.

Mr. HOFFMAN. How large was Ensley?

Mr. MOWRY. Ensley is a fairly tall man, but he is of slight build.

Mr. HOFFMAN. You do not know his weight, either?

Mr. MOWRY. I would say he is about 175. Probably not that much, probably 5 feet 10 or 11, but this boy Thompson slid off him once.

Mr. HOFFMAN. Is that Willie Thompson?

Mr. MOWRY. Yes.

Mr. HOFFMAN. Is he a colored gentleman, too?

Mr. MOWRY. Willie Jasper Thompson. He slid off and jumped back on him and started stomping again. Of course this took only a very—

Mr. HOFFMAN. Did you see this?

Mr. MOWRY. Oh, yes.

Mr. HOFFMAN. You mean he jumped on him with his feet?

Mr. MOWRY. With his feet, with his shoes.

Mr. HOFFMAN. All right.

Mr. MOWRY. Of course, this took only a very short time. During the time it was going on, we were making our way across Constitution Avenue. I jumped out of the car. He apparently saw us coming because he jumped off this man Ensley and ran back and got in the picket line and started moving with the pickets again. I took him out of the picket line. He had never gotten out of my view. He didn't want to go along, but he finally did with a lot of able assistance.

Mr. HOFFMAN. You mean you had assistance?

Mr. MOWRY. Yes. I had Corporal Childress here.

Mr. HOFFMAN. Did he resist you? Did you tell him to come along?

Mr. MOWRY. Yes, sir.

Mr. HOFFMAN. That assault and battery was committed in your presence?

Mr. MOWRY. Yes, sir. The picket line stopped picketing at that time. They gathered around us and were grabbing at me and one of them grabbed the corporal here and flung him on the ground. I didn't see that.

Mr. HOFFMAN. Just tell what you saw.

Mr. MOWRY. I know there was one on my back.

Mr. HOFFMAN. While you were engaged with Willie?

Mr. MOWRY. With Willie Thompson. Then the captain was here.

Mr. HOFFMAN. Captain who?

Mr. MOWRY. Captain Wallrodt.

Mr. HOFFMAN. He is not here today?

Mr. MOWRY. He got a hold of one of Thompson's arms and I believe a Park policeman by the name of Edmonds got him by the other arm.

Mr. HOFFMAN. Is he an officer, too?

Mr. MOWRY. Yes, sir; a Park policeman. We got him under control, too, and by that time I got rid of the guy who was riding my back. I don't know who he is yet.

Mr. HOFFMAN. He was not arrested?

Mr. MOWRY. I couldn't see who he was. About that time I saw Corporal Childress on the ground and this other boy taking a kick at him.

Mr. HOFFMAN. Tell us more in detail.

Mr. MOWRY. He was getting up off the sidewalk and this boy was kicking at him.

Mr. HOFFMAN. Did he kick him?

Mr. MOWRY. I don't think he ever hit him with his feet, but he wanted to. About that time, Gene Gross, here, came on and got hold of the boy.

During the time we were making and maintaining an arrest of Thompson, someone took this boy Ensley into the Navy Department clinic. I don't know who did. I inquired of the building guard where he was, and he told me and I took this boy Thompson into the clinic where he identified him as the one who had assaulted him. He wasn't real sure what had happened because he had been knocked unconscious. After he had been identified I took him to the precinct and booked him and charged him with assault with a dangerous weapon.

Mr. HOFFMAN. What was the dangerous weapon?

Mr. MOWRY. His feet.

Mr. HOFFMAN. What?

Mr. MOWRY. His shoes.

Mr. HOFFMAN. His shoes?

Mr. MOWRY. Yes, sir. He was held for action of the grand jury before Judge Neilson that very morning under \$1,000 bond and the case has been presented to the grand jury that same day.

Mr. HOFFMAN. The reason you are up here is because there have been complaints made to the effect that the police were escorting pickets through the line and using brutality and the usual complaints, that you were just knocking the pickets around. That is why you are here?

Mr. MOWRY. Yes, sir.

Mr. HOFFMAN. Go ahead with your story.

Mr. CHILDRESS. I was with Sergeant Mowry, here. I was in the back seat. He was first out of the car. He got over to Willie Thompson. Thompson was struggling, and I was helping with him when Augustus Dickens got me around the head and twisted me around and I lost balance.

Mr. HOFFMAN. How did you get twisted? Just tell us.

Mr. CHILDRESS. He ran up behind and got his arm around my neck and twisted it.

Mr. HOFFMAN. You illustrated there with your forearm across the front along your adams apple. Is that the way it was?

Mr. CHILDRESS. Yes. He just twisted me around and I lost my balance and fell. While I was on the ground he attempted to kick me in the face.

Mr. HOFFMAN. Did you see him kicking?

Mr. CHILDRESS. Yes, sir.

Mr. HOFFMAN. Were you able to dodge?

Mr. CHILDRESS. I was able to get back out of the way. He didn't kick me. Officer Gross ran up and placed him under arrest. Officer Gross used his baton on him.

Mr. HOFFMAN. Did you see Thompson when he was assaulting Ensley?

Mr. CHILDRESS. Yes, sir.

Mr. HOFFMAN. All right, Mr. Gross.

Mr. GROSS. As the officers testified here, they were in this skirmish, this altercation. As I came upon the scene, Augustus Dickens—

Mr. HOFFMAN. When did you first see it? How did you know there was trouble?

Mr. GROSS. I observed the officers as they made a right turn into Constitution Avenue. I was in a Park Police cruiser just north of

Constitution Avenue on the west side of Eighteenth Street facing south. That is when their car passed. They made a right turn. Suddenly they made a left turn up toward the pickets. I realized then there was something wrong. They dashed out at the curb when they reached the curb and proceeded to—naturally I jumped out of the car and ran across Constitution Avenue and saw this fellow with Childress here.

Mr. HOFFMAN. You did see him?

Mr. GROSS. I saw this fellow grab Childress around the neck. In the meantime, he was going backward with this officer going down with him. By the time I got there I lunged at this man Dickens and knocked him backwards and that broke his hold on this man. He went down on the walk and at the same time he tried to kick him. Just then someone let me have it from behind. I don't know who that was, either. That is when I looked back to see who had hold of me or hit me, and I looked again and saw this fellow come toward me, the one I pushed off him. I had my baton in my left hand, someone came toward me from the rear and I let him have it.

Mr. HOFFMAN. One was coming toward you and another had you from behind?

Mr. GROSS. That is right. I hit him along the left side of the face there and cut his eye.

Mr. HOFFMAN. Then he stopped?

Mr. GROSS. He stopped.

Mr. HOFFMAN. Did you take him in, too?

Mr. GROSS. Yes. Order was restored immediately there. We took Dickens up to Emergency Hospital where he was treated for a cut there.

Mr. HOFFMAN. So before you struck that man he had the other officer down on the ground and was kicking at him?

Mr. GROSS. Yes; he had him down.

Mr. HOFFMAN. You stay out of all labor disputes down there, unless there is some assault and battery or something of that kind?

Mr. GROSS. We don't take sides in either case in enforcing the law as far as that goes. In this particular instance we were cautioned to be extremely cautious and not to take sides in anything.

Mr. HOFFMAN. And you do not, as I understand?

Mr. GROSS. We do not in any case.

Mr. HOFFMAN. I think that is all, then.

Is Mr. Palmer here yet?

(No response.)

Mr. MOWRY. May we be excused?

Mr. HOFFMAN. Yes, that is all.

I do not believe we will need the testimony of any of the other officers.

There is an A. F. of L. man here. Is there anything you want to say about this?

Mr. SANDS. I would like to have considerable to say if I be permitted, although the hour is late.

Mr. HOFFMAN. Do you have anything to say which has anything to do with the question of the effectiveness of the Taft-Hartley Act?

TESTIMONY OF CHARLES E. SANDS, INTERNATIONAL REPRESENTATIVE, HOTEL AND RESTAURANT EMPLOYEES' INTERNATIONAL ALLIANCE AND BARTENDERS' INTERNATIONAL LEAGUE OF AMERICA, WASHINGTON, D. C.

Mr. SANDS. Yes. My name is Charles E. Sands. I am the international representative of the Hotel and Restaurant Employees' and Bartenders' Union, affiliated with the American Federation of Labor and the Railway Labor Executives Association.

I want to say at the outset that our international union, our bargaining agents in the District of Columbia, in all positions which come under the Taft-Hartley Act, have signed the necessary affidavits. I, myself, sometimes bargain for unions and I have signed the necessary affidavits.

Mr. HOFFMAN. You have no objection to those provisions of the Taft-Hartley law which require the filing of the financial statements and the affidavits of loyalty and those things?

Mr. SANDS. In our 55 years of existence we have always been. Off the record, I think that is the only good thing in the Taft-Hartley law.

Mr. HOFFMAN. Fortunately for the country, that opinion is not law.

Mr. SMITH. Do you object to the communistic doctrine?

Mr. SANDS. Do I object to it?

Mr. SMITH. To signing the communistic affidavit?

Mr. SANDS. Do I object to it?

Mr. SMITH. You said the only good point in the Taft-Hartley law was the financial statement.

Mr. SANDS. Oh, well, that, too. A member is entitled to know where the money comes from.

Mr. SMITH. What about the communistic affidavit?

Mr. SANDS. I am in favor of that.

Mr. SMITH. That is two things.

Mr. SANDS. Yes; two things. You hooked them up together.

Mr. HOFFMAN. What about the right of the union officials to free speech? You are in favor of that, too?

Mr. SANDS. Yes.

Mr. HOFFMAN. There are three. You look that act over and you will find a lot of things to approve.

Mr. SANDS. I am in favor of anything having the right of free speech.

Mr. HOFFMAN. Go ahead. That is what we are giving you here.

Mr. SANDS. Even Communists, if they admit they are Communists.

We are in this picture because of the fact that a number of these people employed in Government services—

Mr. HOFFMAN. I will ask you one more. You are in favor of union membership having the right to vote before they go on strike?

Mr. SANDS. Positively.

Mr. HOFFMAN. There are four things.

Mr. SANDS. We always have a secret ballot before we have a strike.

We got into this picture because a number of these workers, of course, some of the people change from the restaurants and hotels which have contracts with us and sometimes they work in Government cafeterias and sometimes they belong to two unions. Some of these people called on us and didn't like the leadership. I think it was

early in November that we issued a statement of our position that we would sign the necessary papers under the Taft-Hartley Act. We called on the membership of that union either to force their leaders to sign it or to oust them and to get some that would. If they wanted leadership in the union and came to us, we would give them leadership.

That position was made known to the Washington Central Labor Union on December 1. That position was made known to all the employees in the Government cafeterias, because they were circularized through other A. F. of L. unions, other sources, and so that Mr. Palmer would absolutely know our position, I mailed him one. Mr. Palmer is the business agent of 471. We have been fairly successful in organizing these people.

Mr. HOFFMAN. You mean the employees who are now working in the cafeteria?

Mr. SANDS. The people now employed.

Mr. HOFFMAN. You are making progress?

Mr. SANDS. Yes; that is right. So much so that we have served notice on the welfare department of the Agriculture that we would resent their giving a contract to the CIO who had not signed the affidavits the same as we have.

Our position is clear. It is a position we are not ashamed of. I don't look on this as a strike. I can tell you frankly that if these people were on the street on a question of hours or wages, I wouldn't be in the picture.

Mr. HOFFMAN. That is to say you would not try to raid the CIO if it was a question of wages?

Mr. SANDS. No; not if they were getting proper leadership. I can cite the case of the O'Donnell Restaurant where the CIO beat us on the ballot and they were on strike for 12 weeks. Not a word came from me or any of our officials. It was a bread-and-butter proposition, and we don't interfere. Although we don't like them and don't like their methods, we don't interfere with any union that is on the street on a bread-and-butter proposition, but on a political issue; yes.

As regards the Secretary of Labor, I don't know where he obtained his information that it was a jurisdictional strike—

Mr. HOFFMAN. We all realize, and I know he did, he did not mean that it was a jurisdictional strike in the sense that we ordinarily use that term.

Mr. SANDS. But, Mr. Chairman, I returned from Florida on the fifth of January. These people who claim they don't work without a contract worked from December 31 through January 5 and are now working in the Agriculture Department without a contract. The only official knowledge that the Secretary of Labor could have had on our position is when we wired him about a week ago or maybe 8 days ago, asking him to open the Labor Department cafeteria because our members wanted to go to work.

Mr. HOFFMAN. Have you a majority of the employees?

Mr. SANDS. Of Government Services?

Mr. HOFFMAN. No; who work in the Labor Department cafeteria.

Mr. SANDS. I would not make that statement; no. But I know that we have people who are very desirous of going to work. As a matter of fact, in one of my telegrams to the Secretary of Labor, I mentioned

the fact that he could not remain neutral and perhaps these people would picket with signs that they belonged to us or they wanted to go to work in there.

Mr. HOFFMAN. Your position, then, is that your A. F. of L. members are being locked out?

Mr. SANDS. Some of them. I want the Labor Department cafeteria to open so that anybody, whether they belong to the union or not, can go in there and go to work.

Mr. HOFFMAN. You are not asking for a closed shop?

Mr. SANDS. No, we couldn't under the Taft-Hartley Act. We are satisfied that when we get down to bargaining to go through the NLRB channels on the question of union shop.

Mr. HOFFMAN. What about the cafeteria? Before you can bargain do you have to have a majority of the employees in all of these cafeterias or can you take them one by one?

Mr. SANDS. The Labor Department up to date has ruled that they go to the unit and cannot be separated.

Mr. HOFFMAN. What percentage of the employees of the GSI have you?

Mr. SANDS. What percentage do we have?

Mr. HOFFMAN. Of the people working in there?

Mr. SANDS. We have a substantial number of members.

Mr. HOFFMAN. You cannot tell me the percentage?

Mr. SANDS. No; I could not at this time.

Mr. HOFFMAN. When are you going to get around to organizing the rest of them, or get them signed up so you can bargain?

Mr. SANDS. It is a very tedious and hard proposition because these people are inside and some of them are so confused and it is a hard matter for them to be contacted by us.

Mr. HOFFMAN. They are working now without belonging to any union, some of them?

Mr. SANDS. That is right. When I first made my contact with the Secretary of Labor through Mr. Kusick, I guess, who is the A. F. of L. assistant, we were prepared, if necessary, to picket the Labor Department and we were asked by a very prominent member of the A. F. of L. to defer for a few days. We are very desirous that the Labor Department cafeteria be opened, and we are seriously considering taking the means to inform the public with the proper placards why it is closed.

Mr. HOFFMAN. Yes; but the Secretary of Labor does not want you to picket his place.

Mr. SANDS. We will picket whether the Secretary of Labor says so or not. We will exercise our rights within the law the same as we have always done in the District. And the only ones that can take our pickets off would be the police, and we would temporarily abide by their decision until it was thrashed out. We have never had any trouble with any picket lines.

Mr. HOFFMAN. I guess that gives us the idea.

Mr. SMITH. When you say you would picket, you know the Secretary said he did not want the Communists over in Europe to know there were any picket lines.

Mr. SANDS. It is rather funny that the Secretary of Labor takes such jurisdiction when these people tried to reach the President of

the United States to intervene and apparently were unsuccessful. I think the Secretary of Labor and the President ought to get together to find out who is who. We are not raiding anybody. We are not raiding the union. Our fight apparently is with the Communist Party. I suppose you gentlemen are familiar with this record of January 12 in the Congressional Record, four pages. There isn't any question.

Mr. HOFFMAN. You mean the statement that Mr. Busbey, of Illinois, put in?

Mr. SANDS. That is right. Mr. Busbey, and plenty of other people make the same statement, too. This, in my opinion, is not a strike. Negotiations were broken off, as I understand it, because these people refused to sign the non-Communist affidavits. I have signed them, and we are in the business of organizing catering industry employees. We are 55 years old, and we have been well established in the District for more than 25 years, and we are willing to stand on our reputation in the District.

Mr. HOFFMAN. I think that is all today, unless there is something more. Have you finished?

Mr. SANDS. I am finished. If there are any questions——

Mr. HOFFMAN. No; I have none.

We were glad to have you come in.

Mr. SANDS. I wasn't invited, but I came.

Mr. HOFFMAN. Anyone is privileged to come any time they want to. (Whereupon at 4:35 p. m., the committee adjourned subject to the call of the Chair.)

INVESTIGATION OF GSI STRIKE

MONDAY, JANUARY 26, 1948

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D. C.

The subcommittee met, pursuant to call, at 10 a. m., in the committee room of the House Committee on Education and Labor, Hon. Clare E. Hoffman (chairman of the subcommittee) presiding.

Mr. HOFFMAN. We will come to order.

Will you identify yourself, please.

TESTIMONY OF WILLIAM S. TYSON, SOLICITOR, DEPARTMENT OF LABOR

Mr. TYSON. My name is William S. Tyson, Solicitor, Labor Department.

I live in Bethesda.

I have been Solicitor of the Department since February 17, 1946. My duties there for the Department are as legal adviser to the Secretary and the bureaus of the Department.

Mr. HOFFMAN. In the press I have noticed that the Secretary of Labor asked you for an opinion. Will you tell us about that and also give us a copy of the opinion?

Mr. TYSON. Yes, sir. I think it was last Wednesday. If I am not mistaken, the Secretary called me and asked me would I give him a legal opinion. He said that he had been up here and testified up here, and he had made a statement that there was nothing to prohibit the GSI from bargaining with the union even though they had not filed the affidavits and the financial data. He asked me to give him a legal opinion on that question and also on the question of the failure to bargain where there was no certification by the NLRB. With a majority union.

In consequence, I wrote him a legal opinion, and I have a copy of it here.

Mr. HOFFMAN. May we have that?

You have handed up an opinion dated January 23? Consisting of five and a quarter pages of single-spaced typewritten matter, which we will insert in the record.

(The opinion referred to is as follows:)

JANUARY 23, 1948.

Memorandum.

To: The Secretary.

From: William S. Tyson, Solicitor of Labor.

Subject: Collective-bargaining status of an employer with respect to a union which has not complied with the affidavit and financial statement requirements of the Labor-Management Relations Act, 1947.

You have requested my opinion concerning the collective-bargaining status of an employer with respect to a union which has not filed the affidavits and or-

ganizational and financial statements required by section 9 (f) and (h) of the National Labor Relations Act, as amended by the Labor-Management Relations Act, 1947, and which, as a result, is not regarded by the General Counsel of the National Labor Relations Board as eligible for certification as a recognized collective-bargaining representative for his employees for purposes of that act. The union in question has over a period of years represented the employees of the employer and has entered into collective-bargaining agreements with the employer during such period. You say that in a letter to you under date of December 31, 1947, the employer has stated:

"I want you to know that this circumstance is not due to any ordinary dispute over wages or working conditions but has been precipitated by the unions refusal to qualify under the National Labor Relations Act, as amended, to represent our employees."

NATIONAL POLICY WITH RESPECT TO COLLECTIVE BARGAINING

The national policy with respect to the right of employees to form unions and engage in collective bargaining with employers has been upheld in decisions of both the State and Federal courts from the time of the decision written in 1842 by Chief Justice Shaw of the Massachusetts Supreme Court in *Commonwealth v. Hunt*, 4 Metc. 111 (see also *American Steel Foundries v. Tri-City Central Trades Council*, 257 U. S. 184. (1921) ; *Texas & N. O. R. Co. v. Brotherhood of Ry. & S. S. Clerks*, 281 U. S. 548 (1930) and has been given specific statutory recognition by Congress in the Norris-LaGuardia Act, the Wagner Act, and the Labor-Management Relations Act, 1947.

The United States Supreme Court in the case of *American Steel Foundries v. Tri-City Central Trades Council*, *supra*, pointed out:

"* * * Labor unions are recognized by the Clayton Act as legal when instituted for mutual help and lawfully carrying out their legitimate objects. They have long been thus recognized by the courts. They were organized out of the necessities of the situation. * * * Union was essential to give laborers an opportunity to deal on equality with their employer. They united to exert influence upon him and to leave him in a body in order by this inconvenience to induce him to make better terms with them. They were withholding their labor of economic value to make him pay what they thought it was worth. The right to combine for such a lawful purpose has in many years not been denied by any court * * *."

A long line of subsequent decisions prior to the enactment of the Wagner Act confirms this statement. Nothing in the court decisions or in Federal statutes prior to the Wagner Act ever prohibited an employer from voluntarily bargaining with and entering into a collective agreement with a union of his employees.

In enacting the Norris-LaGuardia and National Labor Relations Acts, Congress established the national labor policy to which I have referred on a statutory basis and provided procedures and remedies to implement the judicially recognized right of employees to organize freely and to bargain collectively without interference, restraint, or coercion on the part of their employer. Section 2 of the Norris-LaGuardia Act specifically recognizes that such activities of employees are essential under our economic system to establish equality in bargaining strength between employers and employees. The National Labor Relations Act contained in its policy declaration a similar assertion and in sections 7, 8 (1), 8 (5), and 9 (a) required an employer to bargain collectively with a union freely chosen as their representative by a majority of his employees and made it an unfair labor practice for the employer to interfere with, coerce, or restrain his employees in the selection of such representative or to refuse to bargain with such representative.

The declaration of congressional policy in the National Labor Relations Act, although modified in some respects by the Labor-Management Relations Act, continues to support the national policy expressed in the court decisions and statutes to which reference has heretofore been made of protecting the rights of employees to self-organization and to promote their legitimate interests through collective bargaining. Section 1 of the amended act continues to provide:

"It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by

workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection."

Section 201 of the Labor-Management Relations Act, 1947, contains similar declarations concerning the policy of the United States of aiding and encouraging employers and the representatives of their employees to reach and maintain agreements concerning wages, hours, and working conditions and to make all reasonable effort to settle differences by mutual agreement reached through conferences and collective bargaining. Under section 204 of the act it is made a duty for employers and employees to "(1) exert every reasonable effort to make and maintain agreements concerning rates of pay, hours, and working conditions." The purpose of the Congress in including these provisions in the act is clearly set forth in the conference report on H. R. 3020 which states in connection with section 204 as follows:

"Section 204 of the Senate amendment stated that it should be the duty of employers and employees, and their representatives, to exert every reasonable effort to settle their differences by collective bargaining, and, if this should fail, to utilize the assistance of the Mediation Service. This provision is also included in section 204 of the conference agreement, but there has been omitted therefrom language which appeared in the Senate amendment which indicated that the parties were under a duty to submit grievance disputes to arbitration."

See also Senate Report 105, Eightieth Congress, first session, page 2; House Report 245, Eightieth Congress, first session, page 5.

REMEDIES AND PROCEDURES IMPLEMENTING NATIONAL POLICY UNDER THE NATIONAL LABOR RELATIONS ACT

The National Labor Relations Act, as originally enacted, defined substantive rights of employees and obligations of employers necessary to implement the national policy in support of free collective bargaining and provided for procedures and remedies to enforce such rights. Sections 7 and 8 (1) guaranteed to employees the rights of self-organization and collective bargaining. Section 8 (5) of the act made it an unfair labor practice for an employer to refuse to bargain collectively with the representative of his employees subject to section 9 (a). These provisions are retained in sections 7, 8 (a) (1), 8 (a) (5), and 9 (a) of the act, as amended by the Labor-Management Relations Act, 1947.

The provisions of the National Labor Relations Act and the Labor-Management Relations Act, 1947, are designed to eliminate certain obstacles to collective bargaining which result when employers refuse to recognize the specified rights of employees or the obligations imposed upon employers. They have no application, of course, to situations where collective bargaining proceeds through the voluntary cooperation of unions and employers looking toward agreements governing wages, hours, and other terms and conditions of employment. It is well known that some unions have hardly, if ever, resorted to the use of the Board's procedure in order to compel collective bargaining on the part of their employers, and that in the case of many other unions resort to the Board's procedure for protection against unfair labor practices by employers has been infrequent.

EFFECT OF SECTION 9 (F) AND (H) OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED, ON RIGHT OF EMPLOYER TO BARGAIN WITH A UNION

Section 9 (f) and (h) of the National Labor Relations Act, as amended by the Labor-Management Relations Act, does, it is true, impose a barrier to restore by unions to the procedures of the Board for relief from unfair labor practices by employers, including those defined in sections 8 (a) (1) and 8 (a) (5). It operates to preclude the Board from issuing a complaint based on a charge of unfair labor practice made by a labor organization unless the labor organization and any national or international labor organization of which it is an affiliate or constitute unit files the required non-Communist affidavits and organizational and financial statements. The effect of this provision, however, clearly can operate only with respect to a union which desires to use the procedures of the Board to protect itself against unfair labor practices by an employer. It has no application to a union which voluntarily determines that it does not need or desire to use the Board's machinery. There is nothing in section 9 (f) or (h) which interferes with the right of unions to continue traditional and legitimate trade-union activities without resort to the procedures and remedies provided in the National Labor Relations Act, as amended, if they choose to

proceed in this fashion. Similarly, there is nothing in the act which prevents an employer, if he so desires, from bargaining with an otherwise qualified union, since the filing of affidavits and organizational and financial data is a condition precedent to report by unions to the Board and not to the practice of free collective bargaining by unions and employers. *N. L. R. B. v. Whittenburg et al.*, 13 Labor Cases 64211.

Whether, under the theory of *Texas & N. O. R. Co. v. Brotherhood of Ry. & S. S. Clerks*, 281 U. S. 548 (1930) (holding that, despite the absence of a penalty for such interference, the Railway Labor Act imposed a duty upon railway employers and employees, enforceable under the general equity powers of the Federal courts, not to interfere with each other's rights freely to designate collective bargaining representatives), there is a duty upon an employer, enforceable by equity proceedings in the Federal courts, to refrain from refusing to bargain with a union representing a majority of his employees, notwithstanding its inability to obtain relief from the National Labor Relations Board because it has not filed the requisite affidavits or organizational and financial statements, is a matter on which I do not express any opinion in this memorandum. In this connection, however, the fact that the National Labor Relations Act, as amended, no longer provides that relief from unfair labor practices as defined in the act shall be obtained exclusively through the procedures of the National Labor Relations Board (sec. 10 (a)) and that unions are authorized by section 301 (b) of the Labor-Management Relations Act to bring suits in the Federal courts on behalf of the employees whom they represent may be regarded by the courts as having considerable significance. See, for example, *Textile Workers Union of America v. Amazon Cotton Mill Co.*, December 29, 1947, U. S. D. C., M. D. N. C. (14 Labor Cases 72-475).

EFFECT OF DISMISSAL OF REPRESENTATION PETITION BY EMPLOYER ON RIGHT OF EMPLOYER TO BARGAIN WITH A UNION

I have also considered the question whether dismissal by the Board of a petition by an employer for representation proceedings under section 9 (c) of the National Labor Relations Act, as amended, in regard to an uncertified union which has not filed affidavits and organizational and financial data as required by section 9 (f) and (h) of the act bars the employer from bargaining with the union.

It was an established principle under the National Labor Relations Act that an employer's obligation to bargain with a union representing a majority of his employees did not, in the absence of other disqualifying factors, depend on certification of the union by the National Labor Relations Board as the recognized representative of the employees, and employers who refused to bargain with such a union were held to violate the act. *N. L. R. B. v. Remington-Rand, Inc.*, 94 F. (2d) 862 (C. C. A. 2), (cert. den. 304 U. S. 576); *N. L. R. B. v. Dahlstrom Metallic Door Co.*, 112 F. (2d) 756 (C. C. A. 6). The Labor-Management Relations Act, 1947, has not altered or modified this obligation. This conclusion is supported by the declaration of policy contained in the act, by the legislative history of the act, and by the language of the substantive provisions of the act.

Furthermore, as you know, two petitions of Remington Rand, Inc., for representation elections under section 9 (d) of the National Labor Relations Act, as amended, have been dismissed by Regional Directors of the Board under circumstances similar to those described in the preceding paragraph on the ground that the certified union representing its employees, the United Electrical, Radio and Machine Workers of America, would not be eligible for a place on an election ballot because it had not filed the affidavits and organizational and financial data required by section 9 (f) and (h) of the National Labor Relations Act, as amended. The Board itself has not yet passed upon the question here under consideration. The General Counsel of the Board in a letter dated December 18, 1947, has stated, however, that " * * * the act does not prevent Remington Rand from entering into any contract they may desire to with the UE * * *" (Labor Law Reports CCH No. 378, Dec. 23, 1947, pp. 2 and 3). Nothing in the National Labor Relations Act before it was amended by the Labor-Management Relations Act, 1947, restricted the right of employers voluntarily to bargain and contract with a union with respect to wages, hours, and other terms and conditions of employment of those whom the union legally represents. The Labor-Management Relations Act does not affect this right in any way except with respect to those subjects of collective bargaining which are specifically limited or prohibited by the act. Those specific limitations and prohibitions do

not appear to be involved in the situation on which you have requested my opinion.

I conclude that dismissal of a petition for a representation election filed by an employer does not bar the employer from continuing to bargain with a union of his employees.

CONCLUSION

It is my opinion on the questions concerning which you have requested my views that—

1. The national policy is to encourage free and voluntary collective bargaining between employers and employees.

2. The National Labor Relations Act, as amended by the Labor-Management Relations Act, 1947, does not prohibit employers from bargaining collectively with unions representing a majority of their employees even though the union has not filed the affidavits and organizational and financial statements provided for in section 9 (f) and (h) of the act; and

3. The inability of a union to secure Board certification because it has not filed the affidavits and organizational and financial statements provided for in section 9 (f) and (h) of the act does not disqualify the union from acting as the bargaining representative of the employees, and does not, therefore, bar the employer from bargaining with the union.

Mr. HOFFMAN. Now, as to the first part of that opinion, he asked you as to your opinion on the right of GSI to bargain with this union. That is about what it was. You say:

You have requested my opinion concerning the collective bargaining status of an employer with respect to a union which has not filed the affidavits and organizational and financial statements required by section 9 (f) and (h) of the National Labor Relations Act, as amended—

and so on.

Mr. TYSON. Yes, sir.

Mr. HOFFMAN. How long did it take you to learn that any employer could bargain with any employee if he desired?

Mr. TYSON. I had always thought that.

Mr. HOFFMAN. There never was any question in your mind at any time about that, was there?

Mr. TYSON. Just from my own thinking about the bargaining, it was that you bargained freely. The question that he asked though was to look into the law and see if there was anything that would prohibit them from that, and that is what we did.

Mr. HOFFMAN. As a fundamental proposition, the law would not be constitutional, would it, that prevented two individuals doing business with each other?

Mr. TYSON. Well, I do not know about being constitutional, but I do not think that that is the law, and I did not think so.

Mr. HOFFMAN. Where did you study law first?

Mr. TYSON. The University of North Carolina.

Mr. HOFFMAN. How long ago was that?

Mr. TYSON. I finished there in 1926.

Mr. HOFFMAN. Did you find any authority anywhere that even hinted at the thought that any employer could not bargain with his employees if he wanted to?

Mr. TYSON. No.

Mr. HOFFMAN. Then what is there in this opinion about that?

Mr. TYSON. The opinion goes on to state what we thought was the national policy, and which you just said is the national policy, and it goes on to that, and then finally gets to the question of the certification. Well, an employer has to bargain with the union that has been certified if it is a majority union.

Mr. HOFFMAN. And you reached the conclusion that unless the union complies with the provisions of the Taft-Hartley Act, the employer cannot be compelled to bargain, did you not?

Mr. TYSON. I did not reach any conclusion on the duty; in other words, as I said in that opinion, I did not reach any conclusion on the duty, and I did not pass on the duty. I merely said that there was nothing to prohibit them from bargaining.

Mr. HOFFMAN. In the Taft-Hartley Act?

Mr. TYSON. That is right. There was no prohibition.

Mr. HOFFMAN. Did you ever hear anyone say, or did you ever read anything that indicated there was anything of that kind in the act?

Mr. TYSON. No; but if you will notice the quotation in the first paragraph of this opinion, the Secretary says that in the letter which he received from the GSI on December 31. They say as follows:

I want you to know that this circumstance is not due to any ordinary dispute over wages or working conditions but has been precipitated by the union's refusal to qualify under the National Labor Relations Act, as amended, to represent our employees.

He construed that to mean, I think, that their refusal to qualify is what precipitated the dispute, as he said in that particular paragraph in the letter.

Mr. HOFFMAN. Well, GSI is justified in refusing to bargain under the Taft-Hartley Act because of the failure of the union to comply, is it not?

Mr. TYSON. Under the National Labor Relations Act, as I understand it, they cannot get before the Board. The procedural requirements are that they have to file these things before complaint can be issued.

Mr. HOFFMAN. Is it your contention that an employer should bargain with a union whose officers have been charged with being Communists and who refuse to comply with the law stating that they are not?

Mr. TYSON. I have no statement to make on the policy at all, Mr. Hoffman. I was not asked about that.

Mr. HOFFMAN. Who in the Department could state that?

Mr. TYSON. Well, the Secretary is the one that determines policy. I merely said there is nothing to prohibit them from bargaining.

Mr. HOFFMAN. Did you not understand it was the purpose of Congress in passing that law to squeeze the Communists out of labor organizations?

Mr. TYSON. If they wanted to get before the National Labor Relations Board, I certainly did understand that, sir.

Mr. HOFFMAN. Did you not understand that it was the policy of Congress to squeeze the Communists out of labor unions whether they wanted to get before the Board or whether they did not?

Mr. TYSON. I do not know that I understood that they were doing anything except fixing the requirement, a procedural requirement, which was necessary for a union to fill before they could have a complaint issued for an unfair-labor practice.

Mr. HOFFMAN. Then I take it the substance of your latter statement is that you have no idea why Congress wrote that provision requiring the officers of unions to file an affidavit that they were not Communists.

Mr. TYSON. I do. I have an idea.

Mr. HOFFMAN. What was in your mind?

Mr. TYSON. They wanted to get Communists out of the unions before they could get the remedies which the National Labor Relations Act provides.

Mr. HOFFMAN. What would you say to the proposition that Congress wanted to get Communists out of unions, period?

Mr. TYSON. That was one of the objectives in the bill, I think, to prevent them from getting the remedies under the Wagner Act.

Mr. HOFFMAN. I know; you have said that; but speaking generally, it was the purpose of Congress to squeeze the Communists out of labor unions, and that was one of the methods we used to get them out.

Mr. TYSON. Well, I cannot say what the purpose of Congress was. I think that that was one of the methods; I agree with that.

Mr. FISHER. As I understand it, the import of your opinion was that the Taft-Hartley Act does not in and of itself prohibit management from bargaining with a labor union that has not complied with the non-Communist affidavit.

Mr. TYSON. That is right.

Mr. FISHER. You will not say, and you have not said, that it is the duty of any management to bargain with a labor organization that has not complied with the law?

Mr. TYSON. I did not, and I specifically said that in the opinion.

Mr. FISHER. That is all.

Mr. SMITH. Who else was present when you talked to the Secretary?

Mr. TYSON. Nobody.

Mr. SMITH. Did he ask you verbally for this opinion, or did he write you a letter?

Mr. TYSON. He asked me verbally for it. He had been down and testified down here and said that he had made this statement, and he said that he made it off the cuff, and he thought that he ought to have some legal opinion to back it up, if it was accurate, and if it was not accurate, he ought to correct it.

Mr. SMITH. That is all.

Mr. HOFFMAN. That is all. Thank you.

We will ask Mr. Denham to come forward. Will you identify yourself, please?

TESTIMONY OF ROBERT N. DENHAM, GENERAL COUNSEL, NATIONAL LABOR RELATIONS BOARD

Mr. DENHAM. My name is R. N. Denham. I am general counsel of the National Labor Relations Board, and I have been acting in that capacity since August 22, 1947.

Mr. HOFFMAN. And you have with you two of your associates?

Mr. DENHAM. I have with me my associate general counsel, in charge of my legal division, Mr. David Findling, and one of the members of our staff who stands rather high on the staff. Mr. Mozart Ratner, who has incidentally been in charge of the preparation of the necessary briefs in the litigation that is now pending in the local courts, in a case brought by the National Maritime Union involving the constitutionality of sections 9 (f), (g), and (h) of the Labor-Management Relations Act of 1947.

Mr. HOFFMAN. Well, until some court declares that particular provision invalid, if it does, you, I assume, conceive it to be your duty to comply with the provisions of the law.

Mr. DENHAM. Yes. I think we have no authority and no ground for raising the question of constitutionality of the law as it is written and presented to us by Congress.

Mr. HOFFMAN. With reference to the purpose of that provision, will you give us your views as to why that appears in the law?

Mr. DENHAM. Well, there is in my opinion no question but that it had only one purpose, and that was to exercise the maximum amount of pressure that was available for the elimination of the Communist influence from the labor activities of the United States and the labor movement in the United States, and the most effective, apparently, was to deny to those organizations which had Communist leadership or Communists in positions of policy-making authority, to deny to those organizations the benefits of the act. They are very substantial and go a long way to protect the rights of labor organizations, as they have been recognized in the act and as they have been recognized under the Wagner Act for the past 12 years.

Mr. HOFFMAN. Will you tell us what you have to substantiate that opinion?

Mr. DENHAM. Well, the legislative history is filled with it. It runs through the legislative history. It runs through the statements of other officials. I may say that I had before me a copy of the brief which was just recently filed in the National Maritime Commission in which we go somewhat at length into the purpose of the non-Communist affidavit provision that is found in section 9 (h) of the act.

If you desire to utilize that, you will find probably a much more explicit exposition of our point of view to this subject.

Mr. HOFFMAN. Does that give somewhat of a history of the legislation or a particular provision of it?

Mr. DENHAM. To some extent, yes. If you would like to have me read it, it is rather extended, the parts that pertain to this, I shall be glad to do so.

Mr. HOFFMAN. If you wish to use any part of it, or call attention to any particular part as evidence of the soundness of your conclusions, we will be very happy to have that.

Mr. DENHAM. Well, it is our point of view that in adding section 9 (h) to the act, Congress determined that the extension of the benefits of the act to labor organizations whose officers were Communists or who were supporters of Communist-dominated organizations, simply would not serve to promote the policies of the act and might endanger the national security interest. We feel that Congress believed that the Communists and their supporters do not view labor unions primarily as instrumentalities for the improvement of the economic conditions of employees, but rather as weapons which they store up in their arsenal to have available in the struggle to achieve political ends.

We feel that Congress further believed that the Communists and their supporters, when they attained position of power and leadership in a labor union, would not be expected to practice collective bargaining as a method of friendly adjustment of employer-employee disputes, but rather would utilize that power as a vehicle for promoting strife between the employer and the employees. That, I think, was one of the early factors.

We also feel that it was one of the ideas and intents of this act based upon the theory that the Communists and their supporters, if they were in control of labor organizations, would be in a position to promote strikes, and would be disruptive of interstate commerce and, as I have said, not for the purpose of improving the economic lot of their members.

They also feel that Congress believed that officers of labor organizations who were Communists or who support communism, might in periods of national emergency utilize their power within those organizations to call and promote strikes that were contrary to the interests of our Government.

Mr. HOFFMAN. Let me interrupt you there. We have noticed in the press and over on the floor so many times statements about a cold war with Russia. Then we have been told, too, that the Communist Party here in this country gets its orders from the Communist organization in Russia. Now, in your judgment, if we are going to disregard those provisions of the Taft-Hartley Act and let unions which have Communist officers and who refuse to deny, for example, the charge that they are Communists, I would like your opinion about that—where are we getting? Are we not letting the Communists right in on us?

Mr. DENHAM. Well, of course, it is the feeling of those of us who have the job of administering the Taft-Hartley Act, and we believe that it was a feeling that was pretty general in Congress, that if those interests representing communism got into control, that they would be more inclined to act in behalf of the interests of Soviet Russia than they would in behalf of the interests of the United States.

We have observed, and I think it is common knowledge, that in other countries where communism has gotten a strong hold, it has primarily done so through the labor movement. That is the soft spot in the economy of any nation which seems to provide the most powerful weapon for embarrassing or destroying the economy of the nation, interrupting its productivity.

We feel quite certain that that was one of the objectives of this provision in the act, in that it provided to those labor organizations which could and would subscribe to the proposition that they had no hesitancy about declaring their opposition and their lack of sympathy with communism, all of the benefits that the Taft-Hartley Act offers to labor organizations, and all of the protection that it offers to them. It offers them much protection. It guarantees that the right to bargain with their employers will be insisted upon and enforced. It guarantees that they will not be discriminated against. It guarantees that they will be allowed freely to choose their own bargaining representatives, and it guarantees that if they should be interfered with, that they may come to the Board and have the processes of the Government invoked to see that those rights are accorded.

Congress has merely denied to those organizations which are willing to submit to Communist leadership that protection, and it seems to me that that is the privilege that Congress has and it is the duty.

Mr. HOFFMAN. You think it is a necessary provision?

Mr. DENHAM. I think it is an absolutely necessary provision in the economy of this Nation today.

Mr. HOFFMAN. Well, if the Government is to exert pressure upon employers to bargain with organizations which have not complied

with that provision, whose officers will not deny that they are Communists, do you care to express an opinion of what becomes of the Taft-Hartley Act?

Mr. DENHAM. If I may be excused from expressing an opinion on that, Mr. Hoffman, I would prefer to do so.

Mr. HOFFMAN. I guess everyone knows about that. I just thought that having had the experience that you have you might have an opinion that would be worth more than the opinion of other individuals.

Mr. DENHAM. We have observed that there have been many instances that have not come to the attention of the public, where labor organizations have done a good job of house cleaning since the Taft-Hartley Act has come into existence, and I am very glad to say that there are many of the labor organizations throughout the country that have assured me of their desire to clean house if we find anything in their houses that looked as if they have Communists in them.

Mr. HOFFMAN. You find them cooperative, do you not?

Mr. DENHAM. Very cooperative.

Mr. HOFFMAN. There are only a few here and there that are not doing so?

Mr. DENHAM. Well, there are a few outstanding labor organizations that have refused to comply with the law. Some of them because they cannot and some of them because, as a matter of principle, they do not want to. And after we have taken those few out of the picture, there are very few left. I should say that in number there are probably not greatly more than 5 percent of the labor organizations that are not getting lined up, if they have not already put themselves in qualification, we anticipate when we get through, we will probably not have over 5 percent of the labor organizations. That does not mean 5 percent of the membership, because some of them are very large.

Mr. HOFFMAN. I interrupted you; will you please continue your statement.

Mr. DENHAM. I was paraphrasing from this brief that I have before me. In its report recommending enactment of a predecessor provision to section 9 (h), the House Committee on Education and Labor stated, and I quote:

Communists use their influence in unions not to benefit workers, but promote dissension and turmoil.

Congressman Hartley, manager of the bill in the House, urged that the benefits of the act should be limited to labor organizations whose leaders were devoted to honest trade unionism and not class warfare and turmoil. Numerous Congressmen during the course of the debate indicated their belief that in periods of national emergency Communist leaders of trade unions might promote strikes for the purpose of undermining the ability of the Government to effectuate its policies.

Representative Karsten pointed out:

We know that it is the purpose of the Communist Party to use the labor union as a tool to bring about the spread of their antihuman doctrine.

The opponents of the measure attacked it not because its objective was improper, but because they did not believe that the means selected for coping with the danger were wise. For example, Senator Morse stated:

I need not reiterate my opposition to Communists and their beliefs. I shall fight communism with all of my energy because it destroys the liberties of free men. I want to say that communism must be stamped out of the labor movement of this country if we are to preserve the rights of free workers and protect the dignity of the individual.

President Truman in his veto message, and I quote from that, stated:

Congress intended to assist labor organizations to rid themselves of Communist officers. With this objective I am in full accord.

Mr. HOFFMAN. Does that provision in the Taft-Hartley Act which relates to the filing of these affidavits, in your opinion, look toward that end?

Mr. DENHAM. That is what it is designed for, as I see it.

Mr. HOFFMAN. And in your opinion, is it one effective way of doing so?

Mr. DENHAM. It seems to be having some effect. Labor organizations are in a competitive field, and when they are denied the privileges and the protections of the Taft-Hartley Act and are placed at the mercy of those who have those privileges and protections behind them, they find themselves in the position where they have but one defense, and that is the strike weapon. That I do not think will be tolerated for very long either by members or by the public. That is the reason I say that it is an effective procedure. I think that we can expect to see it increasingly recognized by those organizations that have not as yet complied with the law.

Mr. HOFFMAN. Would you say that particular provision of the Taft-Hartley Act has aided the unions in getting rid of their officers who owed allegiance to the Communist Party?

Mr. DENHAM. I do not think that there is any question about it.

Mr. HOFFMAN. So that is one effective way of fighting communism?

Mr. DENHAM. In my opinion, yes, sir; it is. It is one effective way of fighting the influence of communism over our labor movement.

Mr. HOFFMAN. Will you continue?

Mr. DENHAM. I do not want to bore you.

Mr. HOFFMAN. If there is anyone in Washington who ought to be able to speak with knowledge about this situation, I think that you are one of those men, or the one man, perhaps.

Mr. DENHAM. The conclusions of Congress, the Communist leaders of labor organizations might utilize the powers derived from the protection accorded by the act to foster the policies other than the collective bargaining favored by Congress derived from the personal experience and observation of the legislators and testimony before the House and Senate committees which considered the bill, comported with the conclusions reached by other committees of Congress and with the judgment of many trade-union leaders and many experts in the field of industrial relations.

The House committee which considered section 9 (h) heard Louis Budenz, one-time managing editor of the official Communist newspaper, the Daily Worker, the former member of the national committee of the Communist Party. They heard him testify that to his knowledge a strike which occurred in 1941 at the Milwaukee plant of the Allis-Chalmers Co. had been deliberately precipitated and projected by the Communist leaders of the local unions at that plant, as a result of instructions delivered to those officers by the political committee of the

Communist Party, and that the purpose of the strike was not to improve the economic position of the union but to impede the American program of giving aid to Britain and thereby to assist the effectuation of the foreign policy of the Soviet Union. Mr. Budenz further testified that Communist leadership during this period for the same reason precipitated a strike at North American Aviation Co. The effect of the strike at the Allis-Chalmers plant on the defense program was related to the House committee by Mr. Story, vice president of the company, under questioning from Congressman Hoffman of Michigan.

There is considerable other material in the brief here. There are some excerpts of that testimony which I will omit.

On the floor of the House, Congressman Kersten summarized Mr. Budenz' testimony concerning the Allis-Chalmers strike as an example of the danger of voting additional power to the hand of labor union leaders who are Communists or supporters of the party. He said one example of Communist tactics that came to the attention of the committee is the example testified to by Mr. Louis Budenz, former editor of the Communist Daily Worker.

Mr. Budenz testified that Communist Party political committee in New York decided in the year 1940 that a strike should be called on the Allis-Chalmers Co. of Milwaukee, because they were one of the few firms making steel turbines for United States destroyers, that by pulling the strike in that plant, they could bring about a following of the party line at that time of opposing aid to the British. That was before Hitler had attacked Russia.

Budenz testified as to traveling to Milwaukee and meeting in secret with Mr. Eugene Dennis, present secretary of the Communist Party, with Mr. Harold Christoffel, the Communist Party member and president of the Allis-Chalmers local, at which secret meeting it was decided to strike at the plant, pursuant to the decision of the Communist Party in New York; and it was later determined by the Milwaukee courts that over 2,000 of the strike ballots were fraudulent and stuffed into the boxes. That the Communist Party members as agents of a foreign government would be able to cause a strike in American plants is horrifying.

Congress was not aware that Communist officers of labor organizations sometimes do effectively represent the economic interests of members in collective bargaining. That is in the brief:

Congress was not aware that Communist officers of labor organizations sometimes do effectively represent the economic interests of members in collective bargaining and that to this extent their activities do attend to effectuate policies of the act, but Congress also believed that whatever public value Communist leadership of labor unions might have in this respect was clearly outweighed by the danger that they might on other occasions utilize their power and influence for purposes inimical to the policies of the act and to the national security.

Mr. HOFFMAN. Now, Mr. Denham, going over to this conciliation phase of the matter, where was that authority under the former act?

Mr. DENHAM. That was in the Labor Department.

Mr. HOFFMAN. What does the new act do with that?

Mr. DENHAM. The new act has created the Department of Conciliation and Mediation as a separate agency, now headed up by Mr. Cyrus Ching, who is the Administrator; and that is an independent agency.

Mr. HOFFMAN. That is the only official conciliation agency in the Federal Government?

Mr. DENHAM. As I understand it; yes.

Mr. FISHER. I have one question. Is it your conclusion then, Mr. Denham, from a study of the legislative history of the Taft-Hartley Act that it was the policy of the Congress and the purpose of Congress to make life as miserable as possible for the Communists in the labor organizations of this country, and as a means of doing that, they provided that no labor organization could be recognized by the National Labor Relations Board and have the benefits that might accrue to it through such recognition unless that labor union filed an affidavit by all of its officers that none of them were members of the Communist Party and so forth? Would you say that that is briefly a fair statement based on the legislative history and study of the act?

Mr. DENHAM. If I may state it, it does appear to be the intent of Congress to eliminate the Communist influence from labor organizations by denying to those that had Communists or supporters of the Communist Party as officers the protection of the act and by depending upon the good sense of the rank and file of members to eliminate that type of officer from their roster.

Mr. FISHER. Then, while the Taft-Hartley Act does not specifically prohibit management from bargaining with a labor union that is not recognized under the act and has not filed the affidavits necessary, there certainly is no obligation and no duty and no implied obligation in the act itself, and considering the legislative history of it, for any management to do business with a labor organization that has not complied and especially with a labor organization that is Communist-controlled?

Mr. DENHAM. Again, I would like to restate that, if I may, because I am not so sure that it is exactly as clear as that.

Under the Wagner Act there was definitely an obligation as well as a duty on the part of an employer to deal and to do business with any labor organization which represented a majority of the employees. Today the language of the act is substantially the same with regard to that, but the language of the act is such that it denies to the labor organizations that cannot comply with the requirements of the act all of the benefits that come from the Taft-Hartley Act.

They may not obtain official certification of representation, and they may not obtain authority to execute a union shop contract, and they may not present and have processed any charge of unfair labor practice regardless of who they may represent or what size of majority, if any.

That is not quite in line with the statement you have made, Mr. Fisher, but I think that that is the position I see it in.

Mr. FISHER. There is nothing in the act that makes it the duty or obligation of management to bargain with a labor union that is Communist-controlled or Communist-dominated?

Mr. DENHAM. There certainly is no obligation on the part of them, because an obligation imputes something that is required to be done and is enforceable.

Mr. FISHER. And considering the history of the act and its general opposition to communism and its purpose in trying to deal with that subject, there certainly would be no implied obligation on the part of anyone unless they wanted to do so, there would be no obligation on their part to do business with a union that had any Communists for officers?

Mr. DENHAM. It is their privilege to bargain with them if they want to, just as it is the privilege of anyone to do business with anyone else on any legitimate subject if he wants to.

Mr. FISHER. That is all.

Mr. SMITH. Mr. Denham, as you have stated here and from what I understand from this act, its two broad purposes were to protect the labor union and their organizations from the infiltration of Communists and communism, and to protect the economy of the United States—the people of the country. It had a two-fold purpose. Do you subscribe to that?

Mr. DENHAM. I would say "Yes," and when you boil it down, you would find those were the two broad objectives.

Mr. SMITH. Now, if an employer comes in and finds that the organization that he now has in his plant is Communist dominated and if he thinks anything about his country and about these two broad objectives, is not he under a duty not to bargain with them?

Mr. DENHAM. Well, you have kind of got me on the spot there. I would say it is his privilege not to bargain with them if he wants to, because there is no obligation on his part to bargain with them.

Mr. HOFFMAN. Following Mr. Smith's thought there, if I have it accurately, an employer may bargain with a thief if he wants to?

Mr. DENHAM. That is his privilege, if he wants to.

Mr. HOFFMAN. Any type of criminal if he wants to?

Mr. DENHAM. That is right.

Mr. HOFFMAN. An industrialist may bargain with Russia, if he wants to, to sell them guns and ammunition at this particular time; and of course I realize that he cannot deliver them, but he may bargain if he wants to, may he not? There is nothing in the law that says that he shall not?

Mr. DENHAM. I do not know about that. I have not gone that deep into some of our international laws or international relations.

Mr. HOFFMAN. Well, it was advocated on the floor the other day that we should repeal a law that prohibited the shipment of arms to Palestine.

Mr. DENHAM. They found some of it up in New Jersey that was on its way there. I have nothing to add to my statement.

I have been out of the city, and I just got back late last night, and I have not been able to check on what the developments have been up to this point in connection with this thing.

Mr. HOFFMAN. The Government has closed two cafeterias, one in the Labor Department and one in the Supreme Court Building over here, although they have just told the public that the dining room, or wherever the Justices eat, is open, and they are getting service right along; but the cafeteria that the employees over there and the public used to use is closed.

Mr. DENHAM. I understand out of the 42 eating places, 2 of them have been closed, and the others have been operating with whatever employees the GSI have been able to get.

Mr. HOFFMAN. The GSI, I noticed in the papers, claimed they are serving about 70,000. I suppose the average individual would be able to express an opinion just as well as you would, perhaps, as to what would happen if they closed the other 40, as to what effect it would have on the Federal operations or Government activities.

Mr. DENHAM. As I say, I understand there was an opinion that had been asked for by the Secretary of Labor from Mr. Tyson, which unfortunately I have not had an opportunity to see.

Mr. HOFFMAN. We have it, and all he says is that they may bargain if they want to.

Mr. DENHAM. Well, that is correct. I agree with him on that.

Mr. HOFFMAN. I guess everybody does. And I think he also said that there was nothing in the Taft-Hartley Act that required them to bargain if the union had not complied with the law.

Mr. DENHAM. I think that is correct.

Mr. HOFFMAN. And as I get it, they have said that they do not want to.

I think that is all then, and we thank you for coming up. We are sorry if we have inconvenienced you in any way.

Is Mr. Palmer here? He was subpoenaed.

Mr. F. ALBERT REIMAN. The deputy marshal down there told me at the office this morning that they had served it on him Saturday.

Mr. HOFFMAN. To appear today?

Mr. REIMAN. At 10 o'clock this morning.

Mr. HOFFMAN. I think that you had better ascertain why he is not here and take the matter up with the chairman of the committee for the action of the full committee. If he was properly served, that should be done. I notice in the press a statement that he had never been invited. What would you say about that?

Mr. REIMAN. He was served last Saturday.

Mr. HOFFMAN. At the previous hearing, was not there some arrangement by which he said that he would come up?

Mr. REIMAN. Last Tuesday a deputy marshal, McCauley, left a subpoena at their headquarters and talked to him on the telephone, and Mr. Palmer said that he would be over.

Mr. HOFFMAN. I wonder if you would have Mr. McCauley for the record.

Mr. REIMAN. Would you like to have me invite the deputy marshal over here?

Mr. HOFFMAN. Yes; if you would, please.

Are there any other witnesses here?

As to the subpoenas that were served on those in New York, of course, there is some excuse for their not being here, because the time was limited or there was a very short time between the service of the subpoena and the date of the hearing, and we will take up with them the question of their appearance.

Is Bancroft here? Was Mr. Bancroft subpoenaed?

Mr. REIMAN. He was subpoenaed for 10 o'clock.

Mr. HOFFMAN. It is 10 minutes after 11. It may be because of the storm or some other reason it was impossible for him to appear. I think that about the only thing we can do is to have a recess or adjournment until 2 o'clock, if you wish. We will see what happens.

You might ask them if they want to come up and bargain with us collectively as to the date of their appearance.

Is Mr. Bernstein here?

Is Miss Pollin here?

Mr. REIMAN. Mr. Bernstein's lawyer called and said that he would be in after half past 10, but he has not appeared as yet. I have not seen him.

Mr. HOFFMAN. Do you solemnly swear that the testimony you are about to give in this matter will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. COLLINS. I do.

TESTIMONY OF WILLIAM O. COLLINS, UNITED STATES DEPUTY MARSHAL

Mr. HOFFMAN. What is your name, please?

Mr. COLLINS. William O. Collins, United States deputy marshal.

Mr. HOFFMAN. Did you serve certain subpoenas for this committee?

Mr. COLLINS. Yes.

Mr. HOFFMAN. And will you tell us what subpoenas you served, when, and upon whom?

Mr. COLLINS. I served one on Alfred Bernstein at 8:50 a. m., at 930 F Street NW., seventh floor; that was the office.

Mr. HOFFMAN. That was a forthwith subpoena?

Mr. COLLINS. Yes.

Mr. HOFFMAN. Will you produce that this afternoon, with the proper return on it?

Mr. COLLINS. Yes.

Mr. HOFFMAN. The gentleman says that the witnesses are coming up the hall, so that there will be no necessity of continuing with this procedure.

If the witnesses now coming in will come up and give their names. One of you has an attorney, and your attorney may come with you, if he wishes.

Please give your names to the reporter.

Do you solemnly swear the testimony you shall give will be the truth, the whole truth and nothing but the truth, so help you, God?

Mr. BERNSTEIN. I do.

TESTIMONY OF ALFRED BERNSTEIN, NEGOTIATOR FOR UNITED PUBLIC WORKERS OF AMERICA, CIO, ACCOMPANIED BY HIS ATTORNEY, DAVID REIN

Mr. BERNSTEIN. May I say something, Mr. Hoffman?

Mr. HOFFMAN. Go ahead.

Mr. BERNSTEIN. I have never gone through anything like I have gone through this morning.

I came into my office and I found four men there, and they demanded that I take out all of the records in the office.

Mr. HOFFMAN. They served a subpoena on you?

Mr. BERNSTEIN. No; they served—you know I am here voluntarily, Mr. Hoffman.

Mr. HOFFMAN. Now, just a minute. Did they not serve a subpoena on you?

Mr. BERNSTEIN. They served a subpoena in blank, they had no authority to serve a subpoena on me.

Mr. HOFFMAN. Wait a minute; if you are just going to give us a lecture on the inequities of the committee and the officers, you had better tell that to the press later, because we do not propose to cumber up the record.

Mr. BERNSTEIN. They wrote my name in in hand, and asked me my name and wrote it in hand, and if that is a subpoena I will leave that to the committee's judgment.

Mr. HOFFMAN. What point did you want to make: that they subpoenaed you illegally or that you are appearing voluntarily?

Mr. BERNSTEIN. I am appearing voluntarily.

Mr. HOFFMAN. Is that his position, Mr. Attorney?

Mr. REIN. The witness is making his own statement.

Mr. HOFFMAN. I do not care whether you appear voluntarily or in answer to a subpoena.

Mr. BERNSTEIN. I want to make another point. I have nothing to do with the custody of the records. The officers demanded that these records be turned over to them, but I informed them that I had no connection with the records.

Mr. HOFFMAN. Is the officer here who served the subpoena?

Mr. BERNSTEIN. I will bring it this afternoon.

Mr. HOFFMAN. The subpoena requires that you bring it [the records] with you, and not turn it over to the officers.

Mr. BERNSTEIN. I could not bring any records with me, Mr. Hoffman. I have no connection with these records.

Mr. HOFFMAN. All right. Let us get started.

Mr. BERNSTEIN. I would like to say that I do not think that is a proper way to conduct raids on union offices of that character.

That was just a pure and simple raid; that is all it was.

Mr. HOFFMAN. No one was taking anything out of your office.

Mr. BERNSTEIN. They prevented us from moving a machine that we wanted to have repaired.

Mr. HOFFMAN. Did not the paper they served on you require you to appear, and to bring with you, to wit, all records relating to financial transactions, including the receipts and disbursements, and so on?

Mr. BERNSTEIN. I have no records.

Mr. HOFFMAN. I did not ask you that.

You are going to answer the questions before you get through.

Mr. BERNSTEIN. I am going to answer any questions that you want.

Mr. HOFFMAN. That will save a great deal of time, and then if you want to make some explanation, all right.

This subpoena required you to bring with you these records, and of course, if you did not have them, you could not do it.

Mr. BERNSTEIN. They went one step further than that.

Mr. HOFFMAN. You were there in the office, and you say that you are not an officer of the union?

Mr. BERNSTEIN. That is right, but they still insisted.

Mr. HOFFMAN. What is your business?

Mr. BERNSTEIN. I would like to make that clear—what my position is in the union.

Mr. HOFFMAN. What were you doing in the office?

Mr. BERNSTEIN. I am a negotiations representative, that is my business.

Mr. HOFFMAN. For what organization?

Mr. BERNSTEIN. For the United Public Workers of America.

Mr. HOFFMAN. Are you a local officer, or a member of the international?

Mr. BERNSTEIN. I am not an officer of either the local or the international, I am a paid employee.

Mr. HOFFMAN. And your duties are negotiation?

Mr. BERNSTEIN. Negotiations; yes.

Mr. HOFFMAN. You have no charge over the records down here?

Mr. BERNSTEIN. I have nothing to do with the records. I assume that the secretary—

Mr. HOFFMAN. Do not make it so long.

Mr. BERNSTEIN. I would like to get it straight, because I would like you to know what happened, and I am sure that you would have some concern over the way the staff members of this committee acted this morning.

They insisted that I turn over all of the records to them, and after I explained to them that I had no connection with these records, then they dragged in this poor girl here, who is a secretary.

Mr. HOFFMAN. When you get ready to answer the questions, and not to hold forth with some speech or something of that nature, then the stenographer will take it.

Mr. BERNSTEIN. I would like everything taken down.

Mr. HOFFMAN. Some folks who talk like you do just now always want it taken down.

To return to the subject, what compensation do you receive as a negotiating official?

Mr. BERNSTEIN. I consult my attorney. I want to know if that is a proper question.

Mr. HOFFMAN. You may move over near him, if you wish.

If the members of the staff or the United States marshal or anybody else did something that they should not do and that you do not like, I apologize for them.

Mr. BERNSTEIN. All right. It was disgraceful, that is the only way to describe what occurred in our office this morning.

Mr. HOFFMAN. Was it any worse than a picket line?

Mr. BERNSTEIN. All right, sir; I—

Mr. HOFFMAN. What compensation do you receive?

Mr. BERNSTEIN. I get \$4,000 per year.

Mr. HOFFMAN. And from what organization?

Mr. BERNSTEIN. From the United Public Workers of America, CIO.

Mr. HOFFMAN. And your duties are what?

Mr. BERNSTEIN. To handle negotiations and grievances.

Mr. HOFFMAN. And your headquarters are where?

Mr. BERNSTEIN. In Washington, D. C.

Mr. HOFFMAN. And you have lived here how long?

Mr. BERNSTEIN. I have lived here since 1937 with the exception of a year and a half, which I spent on the west coast, and my Army service.

Mr. HOFFMAN. Which was close to 3 years?

Mr. BERNSTEIN. Which was close to 3 years.

Mr. HOFFMAN. Who is in charge of the headquarters here in Washington?

Mr. BERNSTEIN. I do not know if I can give you an answer. Let me explain a little bit of what has happened. We moved our national headquarters last week.

Mr. HOFFMAN. I do not think that the gentlemen can hear.

Mr. BERNSTEIN. We moved our national headquarters last week from Washington to New York. There are a few people here who have

some functions, and nobody is really in charge. This is just the bureau with a few functions, now.

Mr. HOFFMAN. Nobody is in charge of these records down here?

Mr. BERNSTEIN. I don't know if there are any records down here; I will be perfectly frank with you, Mr. Chairman. I don't know.

I just do not know if there are any records here at all.

Mr. HOFFMAN. Do you know who is in charge of the local union?

Mr. BERNSTEIN. Which local union are you referring to?

Mr. HOFFMAN. Local 471.

Mr. BERNSTEIN. You mean the local union involved with the dispute with GSI?

Mr. HOFFMAN. Yes.

Mr. BERNSTEIN. I know who the president of the local is, sir.

Mr. HOFFMAN. Who is the president?

Mr. BERNSTEIN. A man named Richard Bancroft.

Mr. HOFFMAN. Do they have any other officers?

Mr. BERNSTEIN. I assume they have other officers, and frankly, I don't know who they are.

Mr. HOFFMAN. The only one in the local union that you know is Mr. Bancroft?

Mr. BERNSTEIN. I know one of the business agents.

Mr. HOFFMAN. Who is he?

Mr. BERNSTEIN. Oliver Palmer. I know him.

Mr. HOFFMAN. Does he act; or has he the same functions that you have?

Mr. BERNSTEIN. No; he is in a local union, and I am in the national office.

Mr. HOFFMAN. Who is the bargaining representative for the local union?

Mr. BERNSTEIN. He is the chairman of the negotiating committee; his name is Mr. Palmer. He is the chairman of the negotiating committee. That is all on the record.

Mr. HOFFMAN. Anyone else?

Mr. BERNSTEIN. I don't know the composition of the committee.

Mr. HOFFMAN. He is on the negotiating committee, you say, for the local, and you are the bargaining agent for the international; is that right?

Mr. BERNSTEIN. No.

Mr. HOFFMAN. How it is; then? Explain this to me.

Mr. BERNSTEIN. I have a job in the international office to handle grievances and to conduct negotiations which locals can't handle.

This local is perfectly well equipped to conduct its own negotiations.

Mr. HOFFMAN. What are your duties and what are you doing here?

Mr. BERNSTEIN. That is what I would like to ask you. I just don't know why you have got me down here.

Mr. HOFFMAN. Why are you down here from the union?

Mr. BERNSTEIN. Because you served me with a subpoena.

Mr. HOFFMAN. What are you doing for either the international or the local in connection with the GSI matter?

Mr. BERNSTEIN. I have relatively very little to do. They might consult my advice, but there have been no negotiations going on in this dispute.

Mr. HOFFMAN. What are you doing here in Washington to earn your \$4,000 per year?

Mr. BERNSTEIN. I handle grievances that locals have. We have a lot of field locals all over the country.

Let me give you my principal task, and it may make some sense.

Mr. HOFFMAN. I do not care so much what you are doing some place else. You get up in the morning and you eat your breakfast, and you go to work. When you go to work, what do you do?

Mr. BERNSTEIN. Let me explain:

We have locals all over the country. We are a national organization. A lot of our locals have problems in Washington, the Federal workers locals, and naturally, they can't send a man, every local can't send a man here, so my job is to handle their problems in Washington.

Mr. HOFFMAN. Have you an office?

Mr. BERNSTEIN. Certainly.

Mr. HOFFMAN. Now, beginning—let us start with last Wednesday morning.

After you had your breakfast, and you went to work—you did go to work, did you not?

Mr. BERNSTEIN. Certainly.

Mr. HOFFMAN. What did you do?

Mr. BERNSTEIN. I might have called up.

Mr. HOFFMAN. I did not ask you what you might have done.

Mr. BERNSTEIN. I don't know.

Mr. HOFFMAN. Do you have any record to show what you did then?

Mr. BERNSTEIN. I have some records; I have some correspondence.

Mr. HOFFMAN. You look up your cards, and we are going to adjourn to 2 o'clock, and you come back at 2 o'clock with a sort of a refreshed memory of what you did last week to earn your \$4,000, if you please.

Mr. BERNSTEIN. I did a great deal. I don't like the imputation that I don't earn my \$4,000.

Every personnel officer in the Federal Government knows me, and I do business with them constantly, and we are a large union.

Mr. HOFFMAN. We are trying to find out what you did last week.

Mr. BERNSTEIN. Why last week?

Mr. HOFFMAN. It might be just a foolish notion on my part, but that is what I want to know, and I think that that is what we have authority to learn—what you did here in connection with this GSI strike.

Mr. BERNSTEIN. You want to know what I did in connection with the GSI strike?

Mr. HOFFMAN. And also what, if anything, you did for any union that you represent, local or international, to earn your money.

Mr. BERNSTEIN. I will be glad to tell you that.

I don't know; I can tell you in general, and I think if you could ask any personnel officer in the Federal Government, they would give you just as clear an explanation of my duties.

I handle grievances affecting Federal employees.

Mr. HOFFMAN. You will be able to tell us which ones you handled last week?

Mr. BERNSTEIN. Sure.

Mr. HOFFMAN. All right, we will get along with that.

Now, did you ask anyone in GSI to bargain with you during the last week?

Mr. BERNSTEIN. No.

Mr. HOFFMAN. Is that part of your duty, to ask them to bargain?

Mr. BERNSTEIN. No.

Mr. HOFFMAN. To negotiate?

Mr. BERNSTEIN. No.

Mr. HOFFMAN. I thought you were down here.

Mr. BERNSTEIN. I tried to explain to you that we have a lot of locals in the field.

Mr. HOFFMAN. I got that local business. You have that in here four or five times, now.

Mr. BERNSTEIN. It is very simple.

Mr. HOFFMAN. Will you tell him to answer, Mr. Attorney?

Mr. REIN. In my opinion, he is answering the question.

Mr. HOFFMAN. In my opinion he is just killing time.

Mr. BERNSTEIN. We have a lot of locals in the field. I service those field locals, and Washington is not considered in the field. They handle their own business because they are right here on the spot, and there is no need for me to handle it.

Mr. HOFFMAN. As a matter of fact, you are not engaged in attempting to bargain with GSI, and negotiate anything, and you have nothing to do.

Mr. BERNSTEIN. I don't have anything to do with it, and Mr. Nice can tell you I have had.

Mr. HOFFMAN. Have you any title?

Mr. BERNSTEIN. I am the director of negotiations.

Mr. HOFFMAN. Of the national union and not of the local; is that right?

Mr. BERNSTEIN. That is right.

Mr. HOFFMAN. Is that an official title?

Mr. BERNSTEIN. Yes, it is in our table of organization. I am not an elected official.

Mr. HOFFMAN. Were you asked to sign the anti-Communist affidavit?

Mr. BERNSTEIN. I have never been asked.

Mr. HOFFMAN. Have you ever signed one?

Mr. BERNSTEIN. No, I have signed affidavits when I worked in the Government; I am a former Government employee, I worked for a Senate committee.

Mr. HOFFMAN. And you did work in one of the departments; did you not?

Mr. BERNSTEIN. Yes.

Mr. HOFFMAN. Which one was that, now?

Mr. BERNSTEIN. I worked in OPA.

Mr. HOFFMAN. Did you quit because you were required to take a loyalty test?

Mr. BERNSTEIN. I quit because I went to the Army. I volunteered.

Mr. HOFFMAN. Did you ever refuse to take a loyalty test?

Mr. BERNSTEIN. Of course not.

Mr. HOFFMAN. You never did at any time?

Mr. BERNSTEIN. No, sir.

Mr. HOFFMAN. Well, there were some who did.

Mr. BERNSTEIN. I resent that question. I think I have demonstrated my loyalty in the jungles and I don't have to answer that.

Mr. SMITH. Where did you serve in the Army?

Mr. BERNSTEIN. In the Pacific.

Mr. SMITH. What branch of the service?

Mr. BERNSTEIN. The Air Corps.

Mr. SMITH. What part of the Air Corps; administrative?

Mr. BERNSTEIN. Yes; but if you would like a list of the raids that I was in, or a list of the casualties in my outfit, it makes very impressive reading.

Mr. SMITH. Well, administrative outfits do not make raids, as I recall.

Mr. BERNSTEIN. I was right up, the further advanced base.

Mr. HOFFMAN. You are talking with a general now; he knows about those things.

Mr. BERNSTEIN. I was at Byack when that was the farthest advanced that we were.

Mr. SMITH. You say that you volunteered?

Mr. BERNSTEIN. Yes; I was going to be drafted in several weeks.

Mr. SMITH. But you beat them to it.

Mr. BERNSTEIN. I wanted to get in. If I had not done that, by the way, I would have been over the new age limit that they put in.

Mr. HOFFMAN. How long did you serve with OPA?

Mr. BERNSTEIN. About a year.

Mr. HOFFMAN. Then I take it that you have no knowledge of this trouble with GSI?

Mr. BERNSTEIN. I won't say that. I have knowledge of it.

Mr. HOFFMAN. You have not made any request that they negotiate?

Mr. BERNSTEIN. I have not; that would not be proper.

Mr. HOFFMAN. Have you discussed the situation with any of the officers of GSI?

Mr. BERNSTEIN. On occasion, yes.

Mr. HOFFMAN. And within the last 3 weeks with whom?

Mr. BERNSTEIN. With the business agent, and the president of the local; they have consulted me.

Mr. HOFFMAN. With the president of the local?

Mr. BERNSTEIN. Yes.

Mr. HOFFMAN. And that is Bancroft?

Mr. BERNSTEIN. That is right.

Mr. HOFFMAN. And the business agent, you said, was Palmer; is that right?

Mr. BERNSTEIN. That is right.

Mr. HOFFMAN. Have you discussed it with any of the officers of GSI?

Mr. BERNSTEIN. No, sir; that would be improper for me to do that; I am not a member of the negotiating committee.

Mr. HOFFMAN. So you do not know—as these officers of the union tell you—you don't know what has happened?

Mr. BERNSTEIN. That is right.

Mr. HOFFMAN. Is that right?

Mr. BERNSTEIN. That is right.

Mr. HOFFMAN. I think that that is all, then.

Mr. BERNSTEIN. You want me to come back?

Mr. HOFFMAN. Yes; I want you to tell us what you were doing last week to earn that \$4,000.

Mr. BERNSTEIN. I made a lot more money from the Government than \$4,000; I am taking this job because I think it is a worth-while job.

Mr. HOFFMAN. All right, now the young lady.

You were down in the office this morning?

Miss POLLIN. That is right.

Mr. HOFFMAN. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Miss POLLIN. I do.

TESTIMONY OF LILA POLLIN, SECRETARY IN THE OFFICE OF THE UNITED PUBLIC WORKERS OF AMERICA, WASHINGTON, D. C.

Mr. HOFFMAN. What is your full name?

Miss POLLIN. Lila Pollin.

Mr. HOFFMAN. Where do you work?

Miss POLLIN. In the office of the United Public Workers of America, here in Washington.

Mr. HOFFMAN. What is your position there.

Miss POLLIN. I am the secretary.

Mr. HOFFMAN. To whom?

Miss POLLIN. Mr. Richardson and Mr. Stein.

Mr. HOFFMAN. Is that Archer Stein?

Miss POLLIN. That is right.

Mr. HOFFMAN. Is he here today?

Miss POLLIN. No; I have not seen him today.

Mr. HOFFMAN. Did you see him this morning?

Miss POLLIN. No.

Mr. HOFFMAN. Was he there Saturday?

Miss POLLIN. The office was closed on Saturday.

Mr. HOFFMAN. On Friday?

Miss POLLIN. He was there for a few minutes on Friday. We are in the process of moving, and so most of the people did not bother to come in.

Mr. HOFFMAN. Is his wife, Anna Stein, working there, too?

Miss POLLIN. No.

Mr. HOFFMAN. And Harry; is there someone named Harry there?

Miss POLLIN. No.

Mr. HOFFMAN. What connection, if any, has Mr. Stein with that office?

Miss POLLIN. He is vice president of the international union.

Mr. HOFFMAN. Now, are there any other officers there? We have Mr. Bancroft, who is president, and we have the business agent, Mr. Palmer, and now we have Archer Stein.

Are there any other officers that you know of there?

Miss POLLIN. I think that you are confused, sir; Bancroft is connected with the local, and he is not an officer of the international union.

Mr. HOFFMAN. Maybe we did not understand each other. I understand that Bancroft is president of the local; and now, is Stein president of the international?

Miss POLLIN. Yes.

Mr. HOFFMAN. And what other officers of the international are here in Washington?

Miss POLLIN. As far as I know, that has not been determined as yet, because of the process of moving.

I don't know just who is going to remain here, or who is going to be elsewhere.

Mr. HOFFMAN. Who comes in and out of the office with an appearance of authority, so that we can learn who is running the business here?

Miss POLLIN. As far as I know it has not been determined.

Mr. HOFFMAN. Anyone else?

Miss POLLIN. No.

Mr. HOFFMAN. What records have you in this office here in Washington?

Miss POLLIN. Right now I would not know, because I had nothing to do with the moving of the records; all I know is that they left me a few file cabinets, but I have been so busy I have not had a chance to do it.

I tried to do it this morning, but the people who represented your committee would not allow me to do any work, whatsoever.

Mr. HOFFMAN. They just kept you from working?

Miss POLLIN. That is right.

Mr. HOFFMAN. Just like the Secretary of Labor and the marshal of the Supreme Court kept the people from working in the cafeteria.

Miss POLLIN. I explained to these gentlemen that there were some things that I had to do this morning, and they would not allow me to go ahead.

I had to take care of some business up on the eighth floor of our office in regarding to measuring some lumber, and they just stood me at my desk and would not let me go upstairs, because I could not leave them there next to my desk that way, and they refused to move out of my office or let me go about my business, which had to be upstairs, and my work was not on the seventh floor.

Mr. HOFFMAN. Then, as I understand it, you do not know what records you have in the office.

Miss POLLIN. That is right.

Mr. HOFFMAN. Do you know of anyone who does?

Miss POLLIN. It might be the people who were in charge of moving the files, but I don't know who was in charge of moving the files.

Mr. HOFFMAN. Has not either the international or the local anyone in that office who knows what is in it; and if they have, who is it?

Miss POLLIN. Not right now. We have to go through and see what was left. We don't know what was there.

Mr. HOFFMAN. You do not have anyone who does know?

Miss POLLIN. There is no one in the office now who knows; no.

Mr. HOFFMAN. Can you give us the name of anyone who is not in this office, who knows what is in there?

Miss POLLIN. I don't know who is in charge of moving the files, and what they took with them, or what was left here.

Mr. HOFFMAN. How long have you been at your present job?

Miss POLLIN. Since the end of September.

Mr. HOFFMAN. Have you been working here in Washington or in New York?

Miss POLLIN. Here in Washington.

Mr. HOFFMAN. In this same office?

Miss POLLIN. That is right.

Mr. HOFFMAN. What has been in that office all of the time? You certainly have some files in there. You have not been just carrying it all around under your hat.

Miss POLLIN. As Mr. Bernstein explained, we have just moved—I was not in charge.

Mr. HOFFMAN. You just moved when?

Miss POLLIN. Last week.

Mr. HOFFMAN. But you say you have been working for the same union since September.

Miss POLLIN. But I had nothing to do with the files, and I never filed anything.

Mr. HOFFMAN. What do you do?

Miss POLLIN. I am just a secretary.

Mr. HOFFMAN. Do you write; do you take dictation?

Miss POLLIN. No; I don't take dictation. I just type, and I act as an assistant; that is all.

Mr. HOFFMAN. Do you take from a dictaphone?

Miss POLLIN. No.

Mr. HOFFMAN. When you type, what do you type?

Miss POLLIN. I have been typing some correspondence that has been given to me to type; that is all.

Mr. HOFFMAN. Somebody just writes something out in longhand, and then you copy it?

Miss POLLIN. If that is one of the things required of me, I do it.

Mr. HOFFMAN. What else do you do besides that?

Miss POLLIN. I take telephone messages for the people there.

Mr. HOFFMAN. Who does the filing in the office?

Miss POLLIN. I don't know who is going to do it now.

Mr. HOFFMAN. Who has been doing it since September?

Miss POLLIN. The person who used to do the filing left our organization, I think it was in December.

Mr. HOFFMAN. Did they take the records away with them?

Miss POLLIN. No; the records were moved to New York; the main office in New York.

Mr. HOFFMAN. For that reason you would say now that you do not know what is down here because you do not know what they moved?

Miss POLLIN. That is right.

Mr. HOFFMAN. Well, that is an adequate explanation.

When were they moved up there?

Miss POLLIN. The move took place the latter part of the week, and there—

Mr. HOFFMAN. What week?

Miss POLLIN. Last week.

Mr. HOFFMAN. Just last week?

Miss POLLIN. Well, it takes a long time to plan a moving job, you know.

Mr. HOFFMAN. When did the moving job start? -

Miss POLLIN. I don't know officially when they started it; they started to pack a couple of weeks ago. I don't know when the decision was made to move the office.

Mr. HOFFMAN. You have been around the office there, and you have worked there, and you are there 5 days a week, and when did they commence to move the local records up to New York?

Miss POLLIN. All of the furniture and everything they started planning quite some time ago.

Mr. HOFFMAN. About when—and I am not interested in the furniture—I am just talking about the written records.

Miss POLLIN. That was all included in the move of everything else.

Mr. HOFFMAN. And that began about when?

Miss POLLIN. I think it was several months ago, I am not sure of the exact date, because I don't have a position whereby I would know when the action was taken to decide to move to New York or not.

It might have been 6 months or 8 months ago.

Mr. HOFFMAN. Still, the local office has had this office here, and has been doing business, although their records were in the process of being moved to New York.

Miss POLLIN. I wouldn't know anything about that, sir.

Mr. HOFFMAN. When you write a letter, do you keep a copy of it?

Miss POLLIN. Yes; copies of letters are kept, and I have to keep them.

Mr. HOFFMAN. During the month of December, what became of the copies of the letters that you wrote?

Miss POLLIN. They were filed by somebody in the office.

Mr. HOFFMAN. By whom?

Miss POLLIN. I have nothing to do with filing.

Mr. HOFFMAN. You do not know who filed them?

Miss POLLIN. No, sir; because the work had to be divided since the file clerk left.

Mr. HOFFMAN. How many people are working in the office? There is yourself and the file clerk, and who was the file clerk?

Miss POLLIN. The file clerk left.

Mr. HOFFMAN. But who was it?

Miss POLLIN. No special person was assigned to doing the filing.

Mr. HOFFMAN. How many did you have in there acting as file clerk?

Miss POLLIN. It could have been one or two or three or four people.

Mr. HOFFMAN. Who are the three or four people?

Miss POLLIN. Well, they are not here now.

Mr. HOFFMAN. I did not ask you that. What are their names?

Miss POLLIN. It might have been Miss Hutchins.

Mr. HOFFMAN. Where does she live?

Miss POLLIN. She is up in New York now, as far as I know.

Mr. HOFFMAN. Is there anyone here now who acted in that office, or worked in that office during December.

Miss POLLIN. Yes, but she has had nothing to do with filing. Her name is Miss Sherby.

Mr. HOFFMAN. What is the first name?

Miss POLLIN. Ollie.

Mr. HOFFMAN. And you know her address?

Miss POLLIN. No; I don't know her home address.

Mr. HOFFMAN. Who worked there last week other than yourself?

Miss POLLIN. Miss Sherby was there.

Mr. HOFFMAN. And you do not know where she lives?

Miss POLLIN. No; I don't.

Mr. HOFFMAN. Is there anybody else who worked there last week?

Miss POLLIN. And Mr. Kurasch—Iring Kurasch. He lives some place, I believe, in southeast or southwest; I know it is in that vicinity.

Mr. HOFFMAN. Is there someone there named Ollie who works there?

Miss POLLIN. I gave you that name, Ollie Sherby.

Mr. HOFFMAN. That is the one?

Miss POLLIN. Yes; she is a stenographer.

Mr. HOFFMAN. She is there today?

Miss POLLIN. Yes. I gave you her name.

Mr. HOFFMAN. Who else worked there, if anyone?

Miss POLLIN. Well, there were people in the addressograph department, but I don't know where they are now, because as far as I know, they may not have gone to New York. They might have just been paid as of last week, and that is all.

Mr. HOFFMAN. You were there last week?

Miss POLLIN. Yes.

Mr. HOFFMAN. Now, tell us what records and files there were in the office last week, if you will, please, as near as you can.

Miss POLLIN. All of the correspondence was there last week, as far as I know.

Mr. HOFFMAN. Do you know whether it is still there this morning?

Miss POLLIN. I doubt if it is, because when I came in after they moved out, most of the files were gone, and they left me a couple of files but I have had no chance to go thorough them, because I am still trying to rearrange some of the desks in order to clean out the place.

The gentlemen who were there could see how filthy the place was.

Mr. BERNSTEIN. Maybe I could clarify this. I want to help her.

You know, we have no records pertaining to this strike. We never kept the local records.

Mr. HOFFMAN. Have you any records pertaining to the signing of the Communist affidavits?

Mr. BERNSTEIN. I wouldn't know that.

Mr. HOFFMAN. You are listed as one of the officials.

Mr. BERNSTEIN. I am an employee.

Mr. HOFFMAN. You said that you had an official title.

Mr. BERNSTEIN. I didn't say that, sir.

Mr. HOFFMAN. I think that you said the organization records were—

Mr. BERNSTEIN. She has a title, she is a secretary, and I am the director of the organization.

Mr. HOFFMAN. You are the director of the organization?

Mr. BERNSTEIN. No; the director of negotiations.

Mr. HOFFMAN. Did you ever sign one of those anti-Communist affidavits?

Mr. BERNSTEIN. No, sir; and I never was required to.

Mr. HOFFMAN. But you still want to negotiate for the union; do you?

Mr. BERNSTEIN. Maybe I ought to get it straight.

Mr. HOFFMAN. One of your duties is to negotiate in cases where the union is interested?

Mr. BERNSTEIN. Yes.

Mr. HOFFMAN. Now, you know that to come under the Taft-Hartley Act, you must sign one of those anti-Communist affidavits, do you not?

Mr. BERNSTEIN. I have no business under the Taft-Hartley Act.

Mr. HOFFMAN. You know that if you want to bargain under the Taft-Hartley Act——

Mr. BERNSTEIN. We are not in interstate commerce.

Mr. HOFFMAN. Do you or do you not know that if you want to bargain under the Taft-Hartley Act, one of the requirements is you should sign an anti-Communist affidavit?

Mr. BERNSTEIN. My opinion about this—and I am no expert—my opinion about this thing is pretty much like Secretary Schwollenbach's opinion; if you want to bargain collectively there is no requirement that you sign any affidavit.

Mr. HOFFMAN. That is not what I asked you. We all know that.

Mr. BERNSTEIN. Well, the Taft-Hartley Act in effect provides if you don't want to sign affidavits, you can still bargain collectively.

Mr. HOFFMAN. But not under the Taft-Hartley Act.

Mr. BERNSTEIN. Certainly, under the Taft-Hartley Act, too. The Taft-Hartley Act has a provision in it, part of the old Labor Act, that an employer is required to bargain with the majority union, and that provision is still in effect, and it has nothing to do with it.

Whether the union wants to use the processes of the National Labor Relations Board is a matter of option on the part of the union.

Mr. HOFFMAN. That is right; and if the union wants to bargain and use the provisions of the Taft-Hartley Act, one of the conditions is that the officers must sign an anti-Communist affidavit—wait until I get through, now, will you?

Mr. BERNSTEIN. I am sorry for interrupting you.

(Whereupon, the preceding question of Mr. Hoffman was read.)

Mr. BERNSTEIN. That is not my interpretation at all.

Mr. HOFFMAN. Do you know any way by which you can get the benefits of the Taft-Hartley Act without the officers of the union signing an anti-Communist affidavit?

Mr. BERNSTEIN. If the union wants to use certain processes of the National Labor Relations Board, and they might not consider them benefits, sir, by a long shot—if they want to use certain processes they have to follow certain requirements, but if the union does not want to do that, and the union just wants to bargain under the terms of the Taft-Hartley Act, the employer is required to bargain with them.

Mr. HOFFMAN. He is?

Mr. BERNSTEIN. Yes.

Mr. HOFFMAN. That is your opinion.

Mr. BERNSTEIN. I think it is pretty substantial.

Mr. HOFFMAN. The Solicitor for the Labor Department——

Mr. BERNSTEIN. That is what the Solicitor for the Labor Department held.

Mr. HOFFMAN. And the attorney for the Conciliation Board does not agree with you.

Mr. BERNSTEIN. The Solicitor for the Labor Department made that very clear in his opinion.

Mr. HOFFMAN. We heard him this morning.

Mr. BERNSTEIN. I read his opinion, and I have not heard him.

Mr. HOFFMAN. But you do not want to use the provisions of the Taft-Hartley Act in your bargaining, and negotiations; do you or do you not?

Mr. BERNSTEIN. I cannot answer that.

Mr. HOFFMAN. Now, you said that you could not answer it—

Mr. BERNSTEIN. It is not me; I do not set the policy for the union, but I am just trying to explain.

I think that you are confusing the Taft-Hartley Act with the National Labor Relations Board. I think they are two different things.

Mr. HOFFMAN. That is all.

(Whereupon, the subcommittee recessed at 12 noon, until 2 p. m., of the same day.)

AFTERNOON SESSION

(The hearing reconvened at 2 p. m.)

Mr. HOFFMAN. The hearing will be in order.

Mr. McCauley, do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

Mr. McCAULEY. I do.

Mr. HOFFMAN. Please identify yourself.

TESTIMONY OF HAROLD W. McCAULEY, DEPUTY UNITED STATES MARSHAL IN AND FOR THE DISTRICT OF COLUMBIA

Mr. McCAULEY. Harold W. McCauley, United States deputy marshal in and for the District of Columbia.

Mr. HOFFMAN. Tell us whether or not you served a subpoena on Oliver T. Palmer and when and in what manner.

Mr. McCAULEY. On January 20, 1948, I went to 1015 M Street NW. and was advised by a young lady in attendance that Mr. Palmer was out. I left word with her to call me, for Mr. Palmer to call me at the United States marshal's office immediately upon his return. I returned to the office and shortly thereafter I was called to the phone, and a person identifying himself as Oliver T. Palmer asked me what I wanted with him.

I advised him that he had been subpoenaed by a congressional committee to report to room 429, House Office Building, at 2 p. m., to answer such inquiries as may be made by the committee. I told him that he should stop by on the way down and pick up the official copy of the return at the United States marshal's office. He advised me that he would and was doing so and was leaving immediately for that purpose. About 15 or 20 minutes later I called the office again to see if Mr. Palmer had done what he had said he was going to do, and I was advised by a female voice that Mr. Palmer had gone to the House Office Building to answer a summons of a congressional committee.

Mr. HOFFMAN. You at no time made personal service upon Mr. Palmer?

Mr. McCAULEY. Other than to speak to a person who identified himself as Mr. Palmer.

Mr. HOFFMAN. Now, I think we have a subpoena for Mr. Palmer. Is Mr. Palmer here?

Kindly subpoena him to appear Wednesday morning, and the service must be personal, and you had better, if you do not know him personally, take with you someone who does know him so that you get the right individual, and the individual we want is the gentleman who is the business agent, as I understand, for this union 471.

Mr. McCauley. Yes, sir.

Mr. Hoffman. You did not serve any subpoena any other time on him?

Mr. McCauley. No, sir.

Mr. Reiman. While we have Mr. McCauley on the stand, he served a subpoena on Anne Stein who has not appeared.

Mr. Hoffman. Tell us how you served that subpoena and for what time.

Mr. McCauley. Yesterday at 12 :45 p. m., I personally served Anne Stein at 3530 Quebec Place NW., by delivering into her hand the official summons. At the same time I was advised by her that Arthur Stein, for whom I had a summons at the same address, was out of town for 2 weeks on a field trip for the union.

I left the summons at the house upon the chance that he might come home before Monday morning, but the return on that summons is not found, because I did not give it to him, but the return to Anne Stein is personal, because I handed it to her.

Mr. Hoffman. I understand that Mr. Forer, attorney for some of these gentlemen, or the union, is here.

Mr. Forer. Yes; I am here.

Mr. Hoffman. Do you solemnly swear that the testimony which you will give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Forer. I do.

TESTIMONY OF JOSEPH FORER, OF COUNSEL FOR ALFRED BERNSTEIN AND ABRAM FLAXER, WASHINGTON, D. C.

Mr. Hoffman. My only purpose in calling you is that I understood this morning you had some complaint to make about the way the committee representative or the marshal served these subpoenas.

Mr. Forer. Yes. I would like to tell you about it.

Mr. Hoffman. Our only purpose in this is not that we think it will help us any, but because any time that anyone has any complaint about any of the committee employees, I am not chairman of the full committee but only this subcommittee, but some of the full committee employees handled this matter, and so far as I am concerned, we want to know about it.

Mr. Forer. I would like to say this.

Mr. Hoffman. Do you know about this personally, yourself?

Mr. Forer. Yes, sir.

Mr. Hoffman. What we are after is not hearsay.

Mr. Forer. I will tell you the story.

Mr. Fisher. I was wondering if he was present.

Mr. Forer. I can tell you everything that I give you will be of my own knowledge.

This morning Mr. Bernstein appeared at the office and he was talking to me.

Mr. Fisher. At your office?

Mr. Forer. At my office; yes, sir. He was talking to me about the subpoena he had received when the phone rang and he spoke on the phone, and it was for him. Then he asked me to take the call and he said that it was Miss Pollin, who was a witness here and said that

I should answer her question. I got on the phone, and she identified herself as Miss Pollin, and this is what she told me, and I am giving it to you not because that is factual; I am giving it to you simply as background. I am not vouching as to the accuracy of this at all, but so that you will understand what happened.

Mr. FISHER. Mr. Chairman, I am glad to stay over here and listen to all of this, but what has this got to do with this hearing?

Mr. HOFFMAN. It has not a thing to do with the hearing except this: That you will notice, for instance, the Washington Post has carried a series of articles, and I think other publications have, and some radio commentators have criticized various congressional committees, and while you may say that is all water over the dam, so far as I am personally concerned, if anyone has any complaint to make about any committee hearing or any employee of the committee, I do not want any suspicion that anything is being concealed.

Mr. FISHER. We had Miss Pollin before the committee this morning and she testified directly; and now this witness is proposing to quote from a conversation that he had with her. I think she would be the best one to tell the committee.

Mr. HOFFMAN. That is right, because this is just hearsay.

Mr. FISHER. I do not see that that serves a purpose. If she has a complaint, let her give it. She testified this morning.

Mr. SMITH. I do not want to hear him if he did not see something. I am not interested.

Mr. HOFFMAN. Here is where we get then. Whatever you know, of your own knowledge, or whatever you saw, give that to us, whatever you saw any committee employee, Mr. Reiman or the United States marshal who sits here, do, I think, and whatever you heard them say, as I understand my associates they are perfectly willing you should state, but they do not want to sit here and have you repeat to them what someone else said about it.

Mr. FORER. After speaking to Miss Pollin, I asked her to put one of the men in the office on, either one of the marshals or one of the investigators, and a man got on and said that he was Mr. Collins, a deputy marshal. I said to him, "I understand that you people there have been preventing some laborers that came down to move an addressograph machine from moving that machine." I said, "Now, you are a deputy marshal, and you know when you have a subpoena to serve, you are supposed to bring it in and serve it. You have no authority to interfere with the operations of the office, and you have no authority to bring anything or to take anything yourself; and once you serve the subpoena, it is the responsibility of the person who is served to answer the subpoena; and if it is a subpoena duces tecum, to bring the records. I don't understand why you are interfering in the affairs of the union by telling them not to move the addressograph. I think you ought to go away now that you have finished your job of serving the subpoena."

He said, "Suppose I let you talk to the investigator," and so I said, "All right." Then someone got on the phone and said he was Mr. Reiman, and I said the same thing to Mr. Reiman, namely, that he had served his subpoena and that he had finished his job and should go away and that he had no right to stay there interfering with the operation of the union. I also pointed out that apparently he had gotten Miss Pollin very much upset because that was the impression that I had gotten.

I stated that he had no right to order these people not to move the addressograph and he should go away. He said, "Well, this is a subpoena duces tecum." I said, "Well, when you serve a subpoena duces tecum, that is the obligation of the person to whom you serve to deliver the record." He started arguing, and I said, "Look, you are trespassing there. We may call the police if you don't go away," and he said that he had nothing further to say, and he hung up.

Following that, I called the committee's offices and spoke to your chief counsel, Mr. McCann, and I told Mr. McCann about my conversation with Mr. Reiman, that I was calling this to his attention because as counsel I thought that he should call up Mr. Reiman and tell Mr. Reiman that he was exceeding his legal authority.

Mr. McCann said that he had not been working on this particular hearing, and I said, "Well, maybe you have not, but you know as a lawyer that Reiman has no authority to do anything more than to serve the subpoena and go away," and I asked would he call up Reiman and tell him that and that I thought that it was a bad thing for the committee and for the administration of justice generally if I should have to call the police to eject a deputy marshal and a representative of the committee. I did not think that that was right.

He said that he would not call Reiman because he felt that he was not in on it, but that he would talk to the secretary of the committee, and that I could hear from him. Sometime after that, I guess it must have been about 15 or 20 minutes later, I received a call from a gentleman that said he was Mr. Sheppard, the clerk of the committee. In the interim I believe that Miss Pollin had called and said that the man had finally left.

Mr. HOFFMAN. The men had left?

Mr. FORER. After I had spoken to them over the telephone and told them that they should leave.

Mr. HOFFMAN. You also learned at that same time that whoever was down there from the committee had told the people to go ahead and move the machine, did you not?

Mr. FORER. Yes.

Mr. HOFFMAN. It had been about 10 minutes?

Mr. FORER. I did not learn that at all, and my understanding is absolutely to the contrary.

Now, I spoke to Mr. Sheppard, and I told him the situation, and I said I did not see any reason why we could not work this out, but that if members of the committee were engaging in obviously illegal activities, that he should stop it; and when I had called Mr. McCann, I had wanted him to tell this fellow to leave; and Mr. Sheppard said that he would look into it, and he did not see any reason why we could not work it out. He said that certainly he did not want members of the committee to do anything illegal. That is the sum and substance of it.

Mr. HOFFMAN. That is your complaint?

Mr. FORER. That is quite correct.

Mr. HOFFMAN. Now, as a lawyer, you know very well, do you not, that when a subpoena of that kind is served, and it is a forthwith subpoena, that the person in charge and whoever has this, and in this case it was the records, should begin to get them together and prepare to bring them to the committee, do you not?

Mr. FORER. Yes; but that was not the situation here. That is not what I am complaining about.

Mr. HOFFMAN. What you are complaining about is that they told them to not move the machine?

Mr. FORER. These people exceeded their legal authority by telling some people who had come in to move a machine that they could not do it and insisted on staying there and, as I got it, as I was told over the phone, were interfering with the work of the office, after they had done their job that was.

Mr. HOFFMAN. You do not know of your own knowledge whether they interfere or not?

Mr. FORER. No.

Mr. HOFFMAN. You do from the testimony that the committee has not yet received the records?

Mr. FORER. I gather so.

Mr. HOFFMAN. And that we have not found anybody so far who was willing to admit that they are in charge of the records? You learned that, did you not?

Mr. FORER. I do not know who you found.

Mr. HOFFMAN. I say you have not heard anyone testify. We have had a couple of witnesses here, and we had Mr. Bernstein.

Mr. FORER. I gathered this morning that you subpoenaed the wrong people.

Mr. HOFFMAN. But they got the right place, did they not, where the records were?

Mr. FORER. I cannot testify of my own knowledge whether the records are there or not.

Mr. SMITH. Are you attorney for this union?

Mr. FORER. No; for Mr. Bernstein.

Mr. SMITH. His personal attorney?

Mr. FORER. Yes; along with Mr. Rein.

Mr. HOFFMAN. You probably saw the subpoena, did you not?

Mr. FORER. Yes; Mr. Bernstein's subpoena.

Mr. HOFFMAN. It was a subpoena to produce the records and things that they had there that would give us information. Now, you know enough about an addressograph that with it there are trays containing slides which carry the names of the people to whom they send literature. You know that, do you not?

Mr. FORER. It sounds reasonable.

Mr. HOFFMAN. For your information, I will say that that is what they were after, and they wanted the slides out of that machine, and that so far, in spite of the fact that we have subpoenaed two people to produce them, we have not yet got them. If it was necessary to bring the machine in order to get the slides, that could be done.

I think that that is all on that line. Your complaint to me is absurd.

TESTIMONY OF LILA POLLIN—Recalled

Mr. HOFFMAN. Miss Pollin, will you please return to the witness stand.

I gathered this morning that the substance of your testimony was that you did not know what was in the files down there.

Miss POLLIN. That is right.

Mr. HOFFMAN. You have no knowledge?

Miss POLLIN. That is right.

Mr. HOFFMAN. Do you say on your oath that you have not filed papers in that file?

Miss POLLIN. That is right.

Mr. HOFFMAN. Have you not got the key to it?

Miss POLLIN. I do not know for sure whether I have the key to it. I do not know for certain.

Mr. HOFFMAN. Will you look through your possessions and see?

Miss POLLIN. I know that I don't have it, definitely, with me, and if you will allow me, sir, I will explain why. When the office moved——

Mr. HOFFMAN. Before that, have you not had the key within a week, to that file?

Miss POLLIN. No; I have not.

Mr. HOFFMAN. Are you sure about that?

Miss POLLIN. If you will let me explain, I will tell you why I do not know. When the office moved to New York, I had nothing to do with the files, and they left me a few file cabinets, and they left me a whole series of keys on a ring. I have not had an opportunity to go through those keys and figure out just what those keys are for.

I know some of them are for doors and some of them, I presume, are for files. When I left this morning, I was actually on my way to the doctor's, but when Mr. Reiman made out the subpoena and served it to me, I decided that I would go to the doctor later on in the day and take care of this matter first. At that time I left all of the keys in the office, and I do not have any of the keys, and I did not know just where those keys go.

When the addressograph people came today, I had to try and use all of the keys to figure out which one it was, and I did not want to take too much of their time, and so we went in on the circuitous route in order to get into the room where the machine was, and we opened it from the inside, because I was not familiar with the keys.

Mr. HOFFMAN. I have no more questions.

Mr. SMITH. You stated this morning that you had been there working since last September.

Miss POLLIN. That is right.

Mr. SMITH. And during that time you have never placed any letters or any materials in any files?

Miss POLLIN. No; there was one person who was doing that.

Mr. SMITH. You said you were the secretary for a vice president, is that right?

Miss POLLIN. That is right.

Mr. SMITH. And in the course of your employment you wrote letters that he gave you?

Miss POLLIN. Right.

Mr. SMITH. Now, what did you do with the carbon copies of the letters?

Miss POLLIN. There are three bins on top of the files, and I used to put any carbon copies or any letters that came in, in one of the three bins, depending upon the subject matter, whether it was general or specific. They have a central file system, and they deliberately made that arrangement that only one person was in charge of the files so

that if at any time someone needed the material, they would know specifically where to go for it. In order to keep the files in good shape, that was one person's responsibility to take it out, take the material out of the files and put the material in the files.

Mr. SMITH. Did you ever have occasion to go to this file clerk and get a carbon copy of a letter that had been previously written?

Miss POLLIN. I would merely submit my request, and it would be brought to me.

Mr. SMITH. Did you ever do that?

Miss POLLIN. I asked for material from the files, and then whoever was through with it gave it back to me, and I put it back in the bin, and they refiled it. I did not even hand it to the person personally.

Mr. SMITH. What sort of filing system do they use, do you know?

Miss POLLIN. One is a chronological file.

Mr. SMITH. Does each letter have a file number?

Miss POLLIN. Not as far as I know.

Mr. SMITH. Is it by subject matter?

Miss POLLIN. Yes, sir.

Mr. SMITH. Is it handled by locals of the union out over the United States?

Miss POLLIN. You had one general file, and then you had a local file, and a chronological file.

Mr. SMITH. What do you mean by chronological file?

Miss POLLIN. Well, a carbon copy of each letter that was sent out was made out on a blue piece of stationery, and they kept all of those together, and they had a little book in which they would file all of these, and at the end of the month they would take that book out and put it some place in one of the drawers and start another book. It was on a monthly basis, and the letters were filed chronologically.

Mr. SMITH. You were with the vice president? What was his particular field of operations?

Miss POLLIN. He was in charge of the educational program.

Mr. SMITH. And publicity?

Miss POLLIN. No; he had nothing to do with publicity.

Mr. SMITH. When you said "educational program," who was the educational program for, members of the union?

Miss POLLIN. Yes, sir; that is right.

Mr. SMITH. And all of your correspondence that he gave to you was in regard to educational programs?

Miss POLLIN. That is right.

Then there was a question of workmen's compensation or group insurance, and he handled that, too; that was the extent of it.

Mr. SMITH. Did he have a broad general educational program that he followed, and from time to time were you always writing out letters on some certain phases of an educational program?

Miss POLLIN. That is what it was.

Mr. SMITH. What were some of the phases that he went through with?

Miss POLLIN. There was a question of pay-raise legislation.

Mr. SMITH. Did he send out any literature or write any letters in regard to strikes?

Miss POLLIN. No.

Mr. SMITH. Did you send out literature on how to conduct a strike?

Miss POLLIN. No.

Mr. SMITH. Would that be an educational program?

Miss POLLIN. It might be that somebody else handled it, but I never say anything on that.

Mr. SMITH. Did you have an educational program in which you indoctrinated your members with Robert's Rules of Order in how they should handle meetings and that sort of thing?

Miss POLLIN. No; I never handled it, and I did not see any necessity for it.

Mr. SMITH. Did you ever see any correspondence or hear anything about an educational program to the local unions to tell them how to conduct their meetings and how they were to operate in the meetings and things of that sort?

Miss POLLIN. The thing is this, sir; that the union has been in existence for a number of years, and every local is supposed to have their own copy of the rules and regulations.

Mr. SMITH. I am not talking about rules and regulations. I am talking about this educating every union member as to how he shall act in meetings and when he should object.

Miss POLLIN. That would all be done on a regional basis or a local basis.

Mr. SMITH. The national officers do not concern themselves with that?

Miss POLLIN. No; that would be a regional matter.

Mr. SMITH. Just an educational program for the members of the union?

Miss POLLIN. That is right.

Mr. SMITH. Where would most of these letters go? Would they go to the Panama Canal Zone and Hawaii and places like that? What would be your best judgment about where your correspondence would go? Would they go to the local in Panama or the one in Hawaii or places around like that?

Miss POLLIN. I don't know whether those specific locals were on the list or not.

Mr. SMITH. They are part of your union, are they not?

Miss POLLIN. The only thing is, if the actual mailing was done by the addressograph people.

Mr. SMITH. But you would have a name? You would not write a letter without putting a name on it.

Miss POLLIN. All I would do would be to make a broad title, "Dear Sir," and "Brother" so and so, and something of that nature, and they would take care of the rest, because they had the plate, and they would stamp the envelopes and get it out. I had nothing to do with that.

Mr. SMITH. When you wrote letters, you just said, "My Dear Brother"?

Miss POLLIN. Yes; it was a general form letter for all concerned.

Mr. SMITH. And when you write to a lady, you write "My Dear Sister"?

Miss POLLIN. If we know specifically that it is going to one particular officer and that one is a woman, then we say "Dear Sister," but if it is for everybody concerned, then you just say, like you use "Dear Sir," we say "Dear Sir and Brother" or "Dear Brother."

Mr. SMITH. The letters that you wrote were generally form letters rather than individual letters?

Miss POLLIN. On the whole; yes.

Mr. SMITH. And how were these letters written? Were they written in longhand by the vice president?

Miss POLLIN. Yes; they were always written in longhand by the vice president, and then I would type it.

Mr. SMITH. Did you ever cut stencils?

Miss POLLIN. Yes; we do cut stencils.

Mr. SMITH. You have cut stencils?

Miss POLLIN. Yes; I have.

Mr. SMITH. Now, in a general form letter that you would send out, how many would you print off the stencils?

Miss POLLIN. Several hundred.

Mr. SMITH. Do you know how many locals, if you were making out a general form letter, how many letters it would take to cover all of your locals?

Miss POLLIN. I could not give you specific figures. I don't know the exact number of locals that there are.

Mr. SMITH. Where did you work before you worked down here?

Miss POLLIN. Before that I was a housewife.

Mr. SMITH. This is your first job?

Miss POLLIN. No, this is not. Prior to my just staying at home and taking care of my house, I worked for the Government.

Mr. SMITH. Where?

Miss POLLIN. I worked in War Assets Administration.

Mr. SMITH. And when you worked for the War Assets Administration, did you sign any loyalty papers down there?

Miss POLLIN. Not specifically, the ones that came out this summer, I was not there at the time, but I filled out Form 578.

Mr. SMITH. You filled them out when?

Miss POLLIN. When I was in the Government, prior to my leaving.

Mr. SMITH. You stated that you were not a Communist?

Miss POLLIN. There is a little item, and I answered that of course.

Mr. SMITH. And you said "no?"

Miss POLLIN. That is right.

Mr. SMITH. Is that right?

Miss POLLIN. Yes.

Mr. SMITH. And how long did you work for the War Assets Administration?

Miss POLLIN. I believe it was October of 1945 until June of 1947.

Mr. SMITH. It was October of 1945 to June of 1947?

Miss POLLIN. Yes, sir.

Mr. SMITH. What work did you do down there?

Miss POLLIN. I was an economic statistician.

Mr. SMITH. Was your educational background to be an economic statistician?

Miss POLLIN. I am a college graduate, and I have had 18 graduate credits in economics.

Mr. SMITH. What school did you graduate from?

Miss POLLIN. I attended Hunter College in New York City, and I took my graduate work at the City College.

Mr. SMITH. At City College?

Miss POLLIN. That is right.

Mr. SMITH. Who hired you down at this office?

Miss POLLIN. The United Public Workers office, you mean? It was Mr. Stein.

Mr. SMITH. Did you fill out an application down there when you went to work?

Miss POLLIN. No, I did not.

Mr. SMITH. Tell me how you got this job?

Miss POLLIN. I was recommended for the position to Mr. Stein, and I went down there and Mr. Stein asked me the type of work I had done previously, and he asked me if I would take this position.

Mr. SMITH. Who recommended you?

Miss POLLIN. Mr. Schwartz, Daniel Schwartz.

Mr. SMITH. Where is Daniel Schwartz now?

Miss POLLIN. Officially located in the Detroit regional office of the United Public Workers. At that time he was here in Washington.

Mr. SMITH. What was his position here in Washington?

Miss POLLIN. He was a regional director of this region for the United States Public Workers.

Mr. SMITH. I believe that is all.

Mr. HOFFMAN. Were you down there on May 22, 1947?

Miss POLLIN. Down where, sir?

Mr. HOFFMAN. Down where you work now?

Miss POLLIN. No; I started in this office the last week of September of 1947.

Mr. HOFFMAN. Have you assisted in writing ads or sheets such as I hold in my hand here, protesting Executive Order 9835?

Miss POLLIN. No; I have never seen that before.

Mr. HOFFMAN. When you go to work are you the first one in the office?

Miss POLLIN. Not always. Sometimes.

Mr. HOFFMAN. How do you get in when you go down there and no one else is there? Do you stand around and wait, or do you unlock and go in?

Miss POLLIN. I have a key to one room.

Mr. HOFFMAN. You have a key to the outside door, have you not?

Miss POLLIN. Yes, sir; I do.

Mr. HOFFMAN. And any keys to the inside, any other keys?

Miss POLLIN. It was only when they moved to New York that they gave me this other series of keys.

Mr. HOFFMAN. When did they give you this series of keys?

Miss POLLIN. On Thursday of last week.

Mr. HOFFMAN. And at that time they gave you a key to the files, those steel files that are down there in the office now?

Miss POLLIN. I assume that one of the keys is there, but I cannot say definitely, because I have not had a chance to test the keys to see where they fit.

Mr. HOFFMAN. So, since last Thursday, you have not been in that file at all?

Miss POLLIN. That is right, because I have been busy trying to move desks around and to get the place cleaned up, and I have not had a chance to do anything but that work. That is what I was interrupted in that morning, that was what I was doing, as Mr. Reiman could testify.

Mr. HOFFMAN. I think that that is all.

Mr. SMITH. Some time ago the Attorney General of the United States issued a statement in which he listed a lot of organizations that he said were subversive. Are you familiar with that list?

Miss POLLIN. I have heard of that list, but I have not seen it.

Mr. SMITH. You did not see it in the paper?

Miss POLLIN. I know it was in the paper. I don't recall whether the whole list was in the paper or not.

Mr. SMITH. Have you ever identified yourself with any of those organizations that Mr. Clark listed as subversive?

Miss POLLIN. Not that I know of.

Mr. SMITH. You are under oath.

Miss POLLIN. I have not seen the complete list, sir.

Mr. HOFFMAN. She does not know what is in the list. We will get you a copy of it.

Where do you get your mail?

Miss POLLIN. At 930 F Street.

Mr. HOFFMAN. We will send you a copy, and when we come back Wednesday—we will adjourn until next Wednesday at 10 o'clock—and in the meantime if you will familiarize yourself with that list and also learn, if you can, where the key to that file is, and if you have a key and have access to it so you can tell us what is in it if you cannot bring it up, we are going to try to find who has charge of it and ask them to produce it. That was the object of those subpoenas, and it was not to cause you any inconvenience at all.

Mr. SMITH. Did you ever belong to the Communist Party?

Miss POLLIN. No.

Mr. SMITH. You never have?

Miss POLLIN. No.

Mr. SMITH. That is all.

Here is part of the list here, among the agencies of the Government, agencies for use in connection with consideration of the employees' loyalty.

Now, the question that I asked you was, have you ever identified yourself or ever attended any meetings of any of these organizations that are listed by the Attorney General of the United States as subversive organizations?

Do you understand the question?

Miss POLLIN. Yes, sir.

Mr. SMITH. Have you ever identified yourself by attending any meetings or being a member of the American League Against War and Fascism?

Miss POLLIN. No.

Mr. SMITH. American Patriots, Inc.?

Miss POLLIN. No.

Mr. SMITH. American Peace Mobilization?

Miss POLLIN. No.

Mr. SMITH. American Youth Congress?

Miss POLLIN. No.

Mr. SMITH. Association of German Nationals?

Miss POLLIN. No, sir.

Mr. SMITH. Black Dragon Society?

Miss POLLIN. No.

Mr. SMITH. Communist Party of the United States?

Miss POLLIN. No.

Perhaps you could cut it short if I just tell you the only organization I have ever been affiliated with was the United Federal Workers when they became the United Public Workers.

Mr. SMITH. That is the only organization that you have ever affiliated yourself with?

Miss POLLIN. That is right.

Mr. SMITH. When you were in the New York College, did you belong to any organization there?

Miss POLLIN. No. There might have been a couple of clubs; I can't remember offhand. I graduated quite some years ago, but I did not belong to any society as such that had any sort of political purpose, if that is what you are driving at.

Mr. SMITH. That is all.

Mr. HOFFMAN. The asking of those questions carries no intimation that you ever did, you see. Nobody is accusing you of belonging to anything, not even the church.

That is all.

TESTIMONY OF ALFRED BERNSTEIN—Resumed

Mr. HOFFMAN. Mr. Bernstein, did you protest this loyalty order? Were you one of those that protested the President's Executive order?

Mr. BERNSTEIN. I don't quite get what you mean.

Mr. HOFFMAN. You know the President had an order called the loyalty order.

Mr. BERNSTEIN. Let me tell you about that. When you say "me," I work for an organization. The CIO at its last convention in Boston asked for the immediate repeal of that order as a deprivation of fundamental civil liberties. Our union is a CIO affiliate, and it has adopted the same stand on the question. I did not personally do it, the union, the executive board of the union did it, like you would expect any organization to operate.

Mr. HOFFMAN. That was your opinion, too, as it is now?

Mr. BERNSTEIN. My personal opinion on the loyalty order, I think it is a deprivation of fundamental civil liberties.

Mr. HOFFMAN. To ask any Federal employee to declare his loyalty?

Mr. BERNSTEIN. No.

Mr. HOFFMAN. What, then, do you object to?

Mr. BERNSTEIN. I object to the procedures involved in this matter.

Mr. HOFFMAN. You do not think it is improper?

Mr. BERNSTEIN. I think any man who is accused of a terrible charge, like disloyalty, which to my mind is on a par with treason, should have his day in court, and the procedure under 9835 certainly does not give it to him.

Mr. HOFFMAN. Do you not think that anyone accused of such a terrible charge should be happy to have the opportunity to deny it?

Mr. BERNSTEIN. I cannot have the opportunity to deny it when he does not get specific charges or the right to confront his accusers, or have a determination by an impartial body.

Mr. HOFFMAN. Suppose you say to me, "Hoffman, you are a thief."

Mr. BERNSTEIN. I would not say that.

Mr. HOFFMAN. Would you not think I would be very anxious and quick to say "You do not know what you are talking about. I am not; I never stole a thing in my life"?

Mr. BERNSTEIN. If I said, "Hoffman, you are a thief," you would say "Give me some charges, and give me a chance."

Mr. HOFFMAN. The first thing I would do is say "That is not so."

Mr. BERNSTEIN. Would that prove it?

Mr. HOFFMAN. No; but it would be a denial.

Mr. BERNSTEIN. You go around with a stigma of Bernstein called you a thief, and you would carry that stigma for the rest of your life, and you would not have an opportunity to deny it.

Mr. HOFFMAN. The people who heard you might just think, "What a liar."

Mr. BERNSTEIN. You would take me into any court in the country, if I called you a thief, and make me prove it.

Mr. HOFFMAN. The first thing I would do would be to say, "Listen, brother, you just do not know what you are talking about."

Mr. BERNSTEIN. That doesn't take away the stigma.

Mr. HOFFMAN. We will admit all of that, and do you think the Communists are enemies of our country?

Mr. BERNSTEIN. I am no expert politician, and I am a trade-union official.

Mr. HOFFMAN. What do you think about the Communists, and the doctrine they teach, and the party?

Mr. BERNSTEIN. I don't know anything about their doctrines or about their party.

Mr. HOFFMAN. You do not?

Mr. BERNSTEIN. I am a trade-union official, and my job is to handle grievances, and I work in a CIO set-up.

Mr. HOFFMAN. Now, assuming that the Communist Party is engaged in an effort to overthrow our Government by force; what do you think of that proposition?

Mr. BERNSTEIN. I think any organization which is engaged in an effort to overthrow our Government by force and violence is a dangerous organization.

Mr. HOFFMAN. Now, do you think there is anything wrong, then, in asking officials of a union which bargains with employers to deny that they are Communists?

Mr. BERNSTEIN. That is one of those wife-beating questions, Mr. Congressman. I don't know about the Communist Party. As I have tried to tell you, I do not know anything about the operations of the Communist Party, and I don't know if there is any finding, or there have been any declarations, or if there is any law that says that they are a kind of an organization that overthrows the Government.

I just don't know those things, and I cannot give you an answer, and I am no expert in communism, and I think that you ought to call Mr. Thomas in to give you some explanation on communism.

It is not my job. I am not interested in it.

Mr. HOFFMAN. Now, the Attorney General—one Attorney General said that the Communist Party advocated the overthrow of our Government by force. He may have been right and he may have been wrong. But assuming that he was right—

Mr. BERNSTEIN. I would not take any single individual's word for this, I would make my own conclusions about it.

Mr. HOFFMAN. You can answer this one, would you?

Mr. BERNSTEIN. I have not studied the matter, and I am not interested in the matter.

Mr. HOFFMAN. You have no interest in the matter?

Mr. BERNSTEIN. No.

Mr. HOFFMAN. You are not interested in what the Communist Party teaches?

Mr. BERNSTEIN. No; I am not interested in that.

Mr. HOFFMAN. You are not interested in what it does?

Mr. BERNSTEIN. No.

Mr. HOFFMAN. You are not interested?

Mr. BERNSTEIN. I am interested in the United Public Workers, where I earn my living, and the job it is doing.

Mr. HOFFMAN. You are not interested in whether it follows the party line put down out of Moscow?

Mr. BERNSTEIN. No.

Mr. HOFFMAN. You are not interested in whether the American Communist Organization or those who belong to it get their orders from their parent organization in Russia?

Mr. BERNSTEIN. I am not interested in the Communist organization. I am interested in earning a living for my family, and working at my job, and that is a big problem these days.

Mr. HOFFMAN. Do you believe in fair play?

Mr. BERNSTEIN. Certainly.

Mr. HOFFMAN. Will you keep still when I ask you a question?

Mr. BERNSTEIN. I am sorry.

Mr. HOFFMAN. Now, I am asking you if you are not interested in the program of an organization which has been declared to be devoted to the overthrow of our Government by force?

Mr. BERNSTEIN. No; I am not.

Mr. HOFFMAN. You are not.

Mr. BERNSTEIN. I am not interested in their program, and I don't even know if that is true, and I have never made any study of this kind of a matter: as I tried to explain to you before, I have a tough enough job living on my 4,000 bucks, which you thought was such a great amount of money, and I have a tough enough job handling the ordinary problems of a trade union.

Mr. HOFFMAN. So you are not interested—

Mr. BERNSTEIN. I would like to know the relationship of this to the strike. The strike is a very simple one, you have 1,500 employees walking the streets in defiance of the law, because the corporation is in defiance of the law.

You know, basically, the one thing that I can see that is involved here, this is a local which is in the main composed of Negroes, and what this corporation is saying is that a local composed of Negroes does not have the same rights as a steel local or a miner's local, or an electrical workers' local.

That is the only issue that I see here.

Mr. HOFFMAN. Are not these people that you call strikebreakers people who have been employed and who are now working in these 40 cafeterias; are not most of those people Negroes?

Mr. BERNSTEIN. I don't know. I have not been in there, but I do not think that that would be relevant. I don't think that is very ethical to bring strikebreakers in in defiance of the law.

Mr. HOFFMAN. As I get it, then, you are not interested in the opinions or views, even though they might tend to do harm to the Government of the union officials.

Mr. BERNSTEIN. I cannot take that conclusion that they might tend to do harm to the Government. I know our union operates on a businesslike basis, and it has the best interests of the workers involved. That is the only basis that we operate on.

We operate on a straight trade-union basis, and we have a long record of that. We don't think that that loyalty order is in the best interests of the Government workers, and when I say "we," I mean not only our organization, and from top to bottom, not a few top officers, but the entire CIO.

Mr. HOFFMAN. You think the loyalty order is unfair, do you?

Mr. BERNSTEIN. I think it is disgraceful as a piece of business. I would like it——

Mr. HOFFMAN. What does that loyalty order require?

Mr. BERNSTEIN. That permits a man to be branded as disloyal without giving him a fair hearing.

Mr. HOFFMAN. That is your conviction of it?

Mr. BERNSTEIN. That is the conviction of every decent lawyer in the country, conservative or otherwise.

Mr. HOFFMAN. The Government has a right, has it not, to hire whoever it wishes to?

Mr. BERNSTEIN. We have a perfect right system.

Mr. HOFFMAN. The Government does not have to hire me if it does not want to.

Mr. BERNSTEIN. If you take an examination and qualify, it does have to hire you. I think that is good democracy.

Mr. HOFFMAN. But the Government has got to hire whoever presents himself and passes certain tests.

Mr. BERNSTEIN. And passes certain tests.

Mr. HOFFMAN. One of the tests is the loyalty test.

Mr. BERNSTEIN. Certainly, and if there is anything wrong about it, or a question, they should have an opportunity to explain it.

Mr. HOFFMAN. Now, when an individual makes an application for a Federal job, he has to take an examination; does he not?

Mr. BERNSTEIN. Yes.

Mr. HOFFMAN. There is no question about that?

Mr. BERNSTEIN. That is right.

Mr. HOFFMAN. And he cannot sit in and argue with the examiner as to whether he passed or not; can he?

Mr. BERNSTEIN. He has a right to go over to the Civil Service Commission and find out where he stands on the list.

Mr. HOFFMAN. To find out where he stands?

Mr. BERNSTEIN. And if he thinks he has been marked unfairly——

Mr. HOFFMAN. Now, if the examining board says he does not qualify, that is the end of it.

Mr. BERNSTEIN. He has rights of appeal to the Board of Appeals at the Commission.

Mr. HOFFMAN. And if the Appeals Board says he does not qualify, that is the end of it.

Mr. BERNSTEIN. It would be on the basis of specific material, and not like this procedure.

Mr. HOFFMAN. If the Board passes upon it, it passes upon the question of whether a man is loyal or not.

Mr. BERNSTEIN. Let me explain to you how it operates.

Mr. HOFFMAN. I know how it operates.

Mr. BERNSTEIN. You don't have an opportunity to confront your accuser; that is basic American jurisprudence.

Mr. HOFFMAN. You are strong for the Constitution; are you not?

Mr. BERNSTEIN. You are right; I am.

Mr. HOFFMAN. But you are not interested in an organization which advocates the overthrow of the Government established by the Constitution by force; you just said you were not.

Mr. BERNSTEIN. You are misquoting me.

Mr. HOFFMAN. I am not misquoting you.

Mr. BERNSTEIN. All I am saying is that I have no interest, like most of my fellow citizens, in the Communist Party.

Mr. HOFFMAN. You are strong for the Constitution when you want something that the Constitution guarantees, are you not?

Mr. BERNSTEIN. I am strong for the Constitution in every instance, and I have a consistent record on it.

Mr. HOFFMAN. But when the Government established under that Constitution wants you to declare your loyalty to that Government, then you say that it is wrong.

Mr. BERNSTEIN. I have declared my loyalty in no uncertain terms.

Mr. SMITH. Do you think that individual employers should operate the same as the Government does?

Mr. BERNSTEIN. I don't quite get the question.

Mr. SMITH. All right.

You are an old ex-serviceman, and I have got a job, and you come to me and say, "Smith—here, I am an ex-serviceman, and so are you, and I want a job," and we talk a while, and we agree upon a price, and I say, "Bernstein, if you are going to work for me, you are going to have to say that you are not a Communist."

Is it unlawful for them to put that in there?

Mr. BERNSTEIN. I don't know. I am not a lawyer, I cannot answer that question. I don't know if there is any deprivation of civil rights involved there.

Mr. SMITH. Suppose that I am a private employer and I say, "Bernstein, I am going to ask you a question: Are you a Communist?" You think that I have no right to ask you that question?

Mr. BERNSTEIN. That question seems to be in the courts, at the present time.

Mr. SMITH. In the courts. In other words, you are talking about those saints from out in Hollywood?

Mr. BERNSTEIN. I don't know whether they are saints, but I am trying to give you a factual picture.

I think that question is in the courts.

Mr. SMITH. Let us get it on a personal-employer basis. Have I any right, as a man who has a job, to say, "Bernstein, are you a Communist?"

Mr. BERNSTEIN. I really don't know.

I know that you have no right to say, "Bernstein, you cannot get a job solely because of the fact that you are a Negro or a Jew." Now, whether it carries over to that degree, I don't know.

Mr. SMITH. You do not know about that?

Mr. BERNSTEIN. I don't know. I am no expert in the field.

Mr. SMITH. You have never heard anything about Communists, and you do not know much about communism?

Mr. BERNSTEIN. Frankly, I don't.

Mr. SMITH. You have never discussed it with anybody?

Mr. BERNSTEIN. Not very often.

Mr. SMITH. When you were in the service, sitting around in the tents, did you ever discuss with your fellow-soldiers about anything like that?

Mr. BERNSTEIN. I used to be a great missionary for the unions.

Mr. SMITH. But you never discussed the others?

Mr. BERNSTEIN. I am a trade-union guy, and——

Mr. SMITH. Did you try to organize them in the service, while you were in the service?

Mr. BERNSTEIN. No, I did not; but I would talk to the boys about them, and they were very much interested, and in fact, most of them had some union experience, and the fact that I was involved in unions, I would talk about it.

You would do the same thing if you worked for a union.

Mr. SMITH. And you still do not know whether I have a right as an individual employer to say, "Are you a Communist?"

Mr. BERNSTEIN. That is a question you and I cannot determine sitting here.

Mr. SMITH. You have made a lot of speeches, have you not, for the trade unions?

Mr. BERNSTEIN. I have made a certain number; I am not an orator.

Mr. SMITH. Did you ever make a speech about Russia's position in world affairs?

Mr. BERNSTEIN. Oh, no.

Mr. SMITH. You do not know anything about that?

Mr. BERNSTEIN. No; we are not a foreign-policy organization; we are a union.

Mr. SMITH. You probably do not know who is the president of the Soviet Union, do you?

Mr. BERNSTEIN. That is a good question; I don't know. Maybe you can tell me his name. Maybe it is the kind of information that I ought to have in order to do my job.

Mr. SMITH. You do not know who Vishinsky and Molotov are?

Mr. BERNSTEIN. I am not trying to be naive, but I don't know who the president is, to be perfectly frank. I have not seen his name in the press.

Mr. SMITH. Do you know who the generalissimo of the Soviet Government is?

Mr. BERNSTEIN. You are talking about who is the head of the Soviet Government?

Mr. SMITH. Yes.

Mr. BERNSTEIN. I think any school kid would know that.

Mr. SMITH. I am surprised if you have not paid any attention to it. You said you did not pay any attention.

Mr. BERNSTEIN. I don't know what you do for a living, General, but I work for a union, and it is an 18- and 20-hour day, meetings day and night on union problems, and the people around the Govern-

ment can tell you that. I am a pretty hard-working guy on union problems, and really, I have not got time for this kind of stuff.

Maybe if I had time, I would get learned in politics, but I just don't have that kind of opportunity. Working for a union is not a soft touch.

Mr. SMITH. You think a man has to be learned in politics to know anything about communism or what the Communist Party means to America?

Mr. BERNSTEIN. Before I would pop off about anything, I would want to know something about it; yes.

Mr. SMITH. You never have made any speeches on it?

Mr. BERNSTEIN. No.

Mr. SMITH. And when your union top-flight officials said "We do not believe in this communistic oath and signing it"—

Mr. BERNSTEIN. You are misrepresenting what the oath is. I do not mean that when I say misrepresenting; that is strong language, I am sure it is not so, but what I mean is that I do not think that you understand what this loyalty procedure involves.

Mr. SMITH. To get back to our original question, my provincial mind is kind of hard put to it to understand—

Mr. BERNSTEIN. I don't think the general is provincial.

Mr. SMITH. It is hard for me to understand. I just cannot see why you would think that that was not all right.

If you love the Constitution the way you say you do, I just do not understand it.

Mr. BERNSTEIN. Every Government employee signs an oath when he goes into the Government that he does not advocate the overthrow of the Government.

Mr. SMITH. That is all right.

Mr. BERNSTEIN. Nobody has kicked about that, at all.

Mr. SMITH. That is all right.

Mr. BERNSTEIN. Nobody has kicked about that at all. He signs that kind of an oath, and he does not advocate the overthrow of the Government.

However, here is a procedure which permits a man on the rolls who might have been there for 18 years—and by the way, I know of a case where a man who was in there 12 years, and some crackpot accused him of disloyalty, and he never had a chance to meet his accusers, and he never had a chance to defend himself, and he never had specific charges, and he is carrying that stigma around with him for the rest of his life, and he cannot get employment.

That is what I have got against this business. That is not American.

Mr. HOFFMAN. What do you think about these radio commentators and these fellows in the paper who are continually accusing Congressmen of a lot of stuff. They have to carry that load around, too. Did you ever think of that?

Mr. BERNSTEIN. I think that you boys are able to defend yourselves. I would like to be on that side of the table.

Mr. SMITH. But it is not a question of loyalty. The question is, Are you a Communist? That is the question that is up now.

Mr. BERNSTEIN. That is where you and I disagree.

Mr. SMITH. You think that I have no right as an individual employer, or the Government has no right to ask that of you if you want employment.

Mr. BERNSTEIN. I did not say that at all, sir. I say that your Government has got a perfect right to ask anybody if they are subversive and if somebody is subversive and he gets a hearing on it, and a fair hearing, and a fair determination, that is a lot of other things.

Mr. SMITH. You think the Government has got to give a hearing on a man that wants a job with the Government; is that right?

Mr. BERNSTEIN. Oh, certainly. I think the right of public employment is a citizenship right.

Mr. SMITH. And he has a right, if he says, "I will not answer that question without a hearing"?

Mr. BERNSTEIN. It is not a case of the private employee. Every citizen has a right to work for his Government. If there is something wrong with him, let him know what it is.

Mr. SMITH. Your position, as I get it, is simply this: That if you go and try to get a job with the Government, and when you get down to that question, "Are you a member of the Communist Party?", then you think that you have to have a hearing on that; is that right?

Mr. BERNSTEIN. Certainly. I think that is fair.

Mr. SMITH. Bernstein, when you were in the service, and over in the Pacific theater, did you attend any meetings over there that had to do with getting the soldiers home sooner than they were?

Mr. BERNSTEIN. No, sir.

Mr. SMITH. Did you hear any discussion of any of those questions over there?

Mr. BERNSTEIN. No, sir.

Mr. SMITH. You never attended any meetings?

Mr. BERNSTEIN. No, sir.

Mr. SMITH. You are reasonably familiar, I suppose, with the policies of the UPW, CIO, are you not?

Mr. BERNSTEIN. Yes; I think that that is right.

Mr. SMITH. You generally know what that is?

Mr. BERNSTEIN. I know generally.

Mr. SMITH. But it is in trade unions only. If the UPW ever made a statement about Communists and Russia and things of that sort, you would not know anything about that?

Mr. BERNSTEIN. I would not say that.

Mr. SMITH. When you come to that part of the committee report, or anything that has to do with it, you just throw that out of the window; is that right?

Mr. BERNSTEIN. No; that is not accurate, at all.

Mr. SMITH. But you do not read it.

Mr. BERNSTEIN. That is not right. I said that I was familiar with the union's policies.

Mr. SMITH. Do you know whether or not it was?

Mr. BERNSTEIN. I don't make them, I want to get that across.

Mr. SMITH. I will ask you if you know anything about this UPW-CIO policy with reference to getting the soldiers home from overseas, if they ever took any official action as a union?

Mr. BERNSTEIN. I can't remember. I know it was no burning issue when I came back.

Now, if it happened while I was overseas, it might be a different matter.

Mr. SMITH. When did you get back?

Mr. BERNSTEIN. I got back in November of 1945.

Mr. SMITH. You came back to San Francisco or some Pacific coast port, and you were discharged, and you came back here and you took your job back.

Mr. BERNSTEIN. I did not work for the union before that time.

Mr. SMITH. Where were you in April of 1946? Where were you working?

Mr. BERNSTEIN. I was working, I was just starting for the union.

Mr. SMITH. Do you know anything about any policies that were formulated over at Atlantic City at the UPW-CIO convention?

Mr. BERNSTEIN. I know there was a convention, the highest body in the union.

Mr. SMITH. But you do not know anything about—

Mr. BERNSTEIN. There were delegates from all over the country who formulated some policy.

Mr. SMITH. You do not know anything about what the policy was?

Mr. BERNSTEIN. I know there was a convention, and I know it was a democratic convention, and the delegates voted on its policies just like any other trade-union does.

Mr. SMITH. Do you know that they adopted a resolution over at this convention in Atlantic City in April of 1946, in which they charged that the demobilization of American troops is being deliberately delayed by powerful influence with imperialistic ambitions which are trying to drive a wedge between the United States and the people of the United Nations?

Did you know anything about that?

Mr. BERNSTEIN. I have a general recollection; yes. I have a general recollection of the Auto Workers passing a similar resolution. I have a general recollection of most trade unions passing resolutions.

Mr. SMITH. Do you know that resolution also said that they were trying to—England and America were trying to isolate the Soviet Union?

Mr. BERNSTEIN. I don't have any clear recollection on that.

Mr. SMITH. You do not pay any attention to anything about the Soviet Union?

Mr. BERNSTEIN. I don't know how many hundreds of resolutions were passed at that convention.

Mr. SMITH. I know from what you were saying that you would pay no attention if it had anything to do with Russia.

Mr. BERNSTEIN. No; I said most of my time is devoted to the trade union. I know something about the trade union, and I am not a student of politics.

Mr. SMITH. That is all.

Mr. HOFFMAN. Now, let us go back to this question that Mr. Smith raised.

Assuming that you wanted to hire someone, and say you wanted to hire me to do some manual labor.

Do you think that you would have a right to ask me whether I was in good health, would you not?

Mr. BERNSTEIN. Yes, I would assume so; sure.

Mr. HOFFMAN. And if you wanted to hire me as a clerk in a store, if you did not know, you would want to ask me whether I had ever had a criminal record, would you not?

Mr. BERNSTEIN. Yes; I think that that is a proper thing.

Mr. HOFFMAN. So I would not get light-fingered with your property.

Mr. BERNSTEIN. Surely.

Mr. HOFFMAN. You agree with me, will you not, that if you do not want me, you do not have to hire me at all?

Mr. BERNSTEIN. I would not agree with you to this extent, if the only reason I did not want you was that because of the fact that you were a white man or a Negro, or something like that; I think you would have to hire me—in some States, at least, and it is a serious constitutional question to my mind whether you would not have to hire me throughout the country.

Mr. HOFFMAN. Suppose, now, that I was a nurse, and I was a white nurse, and you were operating a Negro hospital, and the Negro patients did not like a white nurse; do you think you would have to hire me, anyway? That shoe is on the other foot there, I know.

Mr. BERNSTEIN. I think that they would.

Mr. HOFFMAN. They would? In New York State they certainly would, if the only reason they were turning you down was because of the fact that you were white.

Do you not think if you did not like the way I cut my hair or if you did not like my hair, could you not refuse to hire me just because of that?

Mr. BERNSTEIN. That is a different matter, though. We are talking about civil liberties, and you are talking about neckties.

Mr. HOFFMAN. Do you not think the Federal Government has a right to screen its employees in a legitimate test, whether or not they are loyal to this Government?

Mr. BERNSTEIN. I am in thorough accord with that view.

Mr. HOFFMAN. Here we get to this one, then.

This law, and I am talking about the Taft-Hartley Act; and here is what it says, that there are certain privileges of that act that are denied to those unions whose officers refuse to make an affidavit that they are not members of the Communist Party. Do you not think that is a fair enough question to ask a man?

Mr. BERNSTEIN. No; I don't think it is a fair enough question.

Mr. HOFFMAN. Do you think an employer, for instance, a manufacturer of guns that the Army or the Navy wants, should not have the right to ask an applicant for a job to sign an affidavit that he is not a member of the Communist Party?

Mr. BERNSTEIN. That is not the same question that you just asked me before. My views on this are pretty simple; it is pretty much like Phil Murray's view on it.

Mr. HOFFMAN. Now, on that particular question, do you think that the manufacturer of war materials should have the right to ask an applicant for a job who is going to work in that factory, whether or not he belongs to the Communist Party?

Mr. BERNSTEIN. I don't know enough about that; I will be perfectly frank with you. I just don't know. I know that I think it is wrong, and this is a personal opinion, I think it is wrong to ask any trade unionist to sign affidavits of that kind.

Mr. HOFFMAN. This is in the law, and I will quote from it:

Do you not think that an employer should have the right to refuse to bargain with an individual or an organization, the officers of which refuse to make an affidavit that the individual or the union is not a member of and does not support any organization which believes in or teaches the overthrow of the United States Government by force?

Mr. BERNSTEIN. Let me explain how I feel about it.

Mr. HOFFMAN. Just stick to my question, now.

Mr. BERNSTEIN. I am against all affidavits of this type.

Mr. HOFFMAN. No, no; now, come on and answer the question. Your testimony indicates that you are well educated, and you know what is going on in the world.

Mr. BERNSTEIN. I think there is a witch hunt going on against the labor unions.

Mr. HOFFMAN. Do you believe an employer is justified in refusing to bargain with an individual who will not say that?

Mr. BERNSTEIN. It is not an individual; it is a union that he bargains with.

Mr. HOFFMAN. The law says members.

Mr. BERNSTEIN. The law says unions.

Mr. HOFFMAN. Now, let me read it to you. It says here:

Such party, and that he does not believe in and is not a member of and supports any organization that believes in or teaches the overthrow of the Government.

Mr. BERNSTEIN. It is the union.

Mr. HOFFMAN. Now, let us be a little fair about this. I am asking you—

Mr. BERNSTEIN. I am sorry, sir.

Mr. HOFFMAN. If you do not believe that an employer has the right under our system of government to refuse to bargain with an individual who will not say that he is not a member of an organization which advocates the overthrow of our Government by force.

Mr. BERNSTEIN. The law of our land—

Mr. HOFFMAN. You do not want to answer that?

Mr. BERNSTEIN. I cannot answer it.

Mr. HOFFMAN. All right; if you cannot answer it, I will not press the question.

You have made your position clear enough.

I think that is all.

Mr. SMITH. I have another question:

After the attack on Pearl Harbor, do you think that the Federal Government had any right to ask a man whether or not he was a Japanese.

Mr. BERNSTEIN. I always think that the Federal Government has a right to ask a man if he is loyal or not, but if he accuses him of disloyalty, he should get a fair shake. That is all that I say.

Mr. SMITH. Do you think that he has a right to ask him whether or not he was a Japanese?

Mr. BERNSTEIN. Whether or not he was a Japanese?

Mr. SMITH. Yes.

Mr. BERNSTEIN. I imagine there were some Japanese in the war that did a very good job.

Mr. SMITH. Now, let us not get away.

Mr. BERNSTEIN. If he is an American citizen, I think every American citizen has certain rights.

Mr. SMITH. When you ask a man if he is an American citizen, that is as far as the Government can go.

Mr. BERNSTEIN. If they have got anything against him, just let him know it.

Mr. SMITH. But to ask him the simple question; answer yes or no. You do not think that you can do that?

Mr. BERNSTEIN. I think every American citizen, regardless of his color or his ancestry or his race, when he is accused of disloyalty should have a fair shake.

Mr. SMITH. He is not accused of disloyalty, he is asking about—

Mr. BERNSTEIN. I do not think we should brand a whole people for what some individual does.

Mr. SMITH. If there is anything in my question that brands a whole people—I am asking whether or not the Federal Government had a right to ask this man a question when he seeks to be employed by the Federal Government: "Are you a Japanese?"

Mr. BERNSTEIN. The Supreme Court held that he had such a right.*

Mr. SMITH. Did he have the right to ask a man of German ancestry and German birth whether or not he belonged to the German bund or not in 1933?

Mr. BERNSTEIN. He has a right to ask if there is any evidence against an individual, to give him a hearing on the evidence.

Mr. SMITH. He has got to give him a hearing every time he asks a question?

Mr. BERNSTEIN. Every time you take an action; yes. That is our way of doing things; that is the way we do it throughout our life, throughout our whole civilization. We don't brand people.

Mr. HOFFMAN. This affidavit that is required does not brand anyone of having any particular quality or lack of quality. What this Taft-Hartley law requires is that a man shall himself answer the question as to whether he is a member of a party which advocates the overthrow of the Government by force.

Now, he ought to know more about it than anyone else—you do not need to ask someone else to answer the question. Cannot you answer one question fair and square?

Mr. BERNSTEIN. But you will not permit me to say: This is a union matter, a union determination, as to whether or not it wants to use the services of the National Labor Relations Board, and that is all that is involved.

The mine workers can do it, and the electrical workers can do it, and the steel workers can do it, but a local of 1,500 Negroes can't. That is the only issue that is involved here.

Mr. HOFFMAN. That is not the only issue involved here.

That is all. We are going to come back Wednesday morning to try to have these other officers here, if we can get personal service on them.

Mr. REIN. Is Mr. Bernstein excused?

Mr. HOFFMAN. We will want him back, and we will let you know. You call up if you want to Tuesday afternoon.

We will try to accommodate you in every possible way, and it will save a lot of inconvenience if you will have your officers come up.

Mr. REIN. Is Miss Pollin excused?

Mr. HOFFMAN. Yes; that is right.

(Whereupon, the subcommittee adjourned at 3:15 p. m., until 10 a. m., Wednesday, January 28, 1948.)

INVESTIGATION OF GSI STRIKE

WEDNESDAY, JANUARY 28, 1948

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D. C.

The subcommittee met, pursuant to adjournment, at 10 a. m., in the committee room of the House Committee on Education and Labor, Hon. Clare E. Hoffman (chairman of the subcommittee) presiding.

Mr. HOFFMAN. The committee will come to order.

Mr. Patterson, will you identify yourself?

STATEMENT OF D. G. PATTERSON, ASSISTANT DIRECTOR, REFERENCE DEPARTMENT FOR CIRCULATION, CONGRESSIONAL LIBRARY, WASHINGTON, D. C.

Mr. PATTERSON. My name is Donald G. Patterson. I am Assistant Director of the Reference Department for Circulation.

Mr. HOFFMAN. And you have with you a copy of the Fraternal Outlook for June 1942?

Mr. PATTERSON. Yes, sir.

Mr. HOFFMAN. And we are asking that you give us, if you can without being inconvenienced over there, photostatic copies of pages 12 and 13.

Mr. PATTERSON. Twelve and thirteen, yes.

Mr. HOFFMAN. They will be introduced in evidence.

(The pages referred to are herewith inserted.)

Mr. HOFFMAN. Do you know any of those individuals who are shown in those photostats?

Mr. PATTERSON. No, sir.

Mr. HOFFMAN. We will connect them up later, if possible. I want to thank you.

We have some wires from different organizations, one from the president of the Civil Rights Congress of New York, and another one from the NBS branch, UPW, CIO, and the substance of all is practically the same. One protests the alleged unwarranted action of the House Labor Committee in invading the UPW national office today. The other one is similar. It is:

Register vigorous protest against shockingly undemocratic tactics of your subcommittee in summoning witnesses to hearing on United Public Workers strike.

I do not know whether the gentleman who sent that is aware of why we would like to have those officials of the union. I might state for the record that 471 is affiliated with the International UPW, which is the same parent organization of the union which in Minneapolis, the

press states, is about to stage a strike in the hospitals. It is the same international organization with which 471 is affiliated, with which local 255 of the State, County, and Municipal Workers of America of Pittsburgh was affiliated in May 1941, and the international organization at that time had as its president, Abram Flaxer, who is an officer of the UPW at the present time.

At that time also Robert Weinstein was secretary-treasurer and field representative in Pennsylvania District No. 3 of the State, County, and Municipal Workers. Weinstein is also an organizational director of UPW at the present time.

In 1941 the records of the Commonwealth of Pennsylvania contained the information in a report from Mr. Hines that Flaxer had been, and I quote now—

singled out on a number of occasions as one of the leading members of the Communist Party in this country.

The records of the Commonwealth of Pennsylvania referring to Robert Weinstein stated, and I quote:

Robert Weinstein is considered communistic and attends their meetings. About 48 years old; born in Philadelphia. Attended high school, but did not complete the 4 years. Parents were born in Russia and after coming to America became naturalized citizens. Weinstein has resided in Philadelphia all of his life; is a registered Democratic voter. Has resided at his present address for the past 4 years; previous to that he lived at 3105 West Diamond Street, Philadelphia. Operates a garage in his neighborhood. Is general secretary of the Philadelphia Union Council and local No. 46, State, County, and Municipal Workers of America. Officers of the Philadelphia Union Council meet at 819 Bankers Security Building, 1315 Walnut Street, and members and officers of local No. 46, State, County, and Municipal Workers of America, meet at 1227 Walnut Street, Philadelphia. These organizations are considered to be 100 percent communistic, and Weinstein is a very active Communist in this locality.

The leader of the strike in Pittsburgh at that time and, of the picket line, was one John W. Filer. He had been arrested in January 1921, and sentenced to the reformatory for 2½ years for breaking and entering, and on August 14, 1926, he was sentenced to the United States Penitentiary at Leavenworth, Kans., for desertion from the Army. On the 21st of November 1928, he was arrested and convicted of stealing an automobile, given judiciary clemency, the sentence being suspended. In February of 1931 he was charged and convicted of a robbery involving \$5,400. He was given a term of from 5 to 10 years.

Mr. FISHER. Who is he?

Mr. HOFFMAN. He was a member at that time, and connected with this UPW.

Mr. FISHER. What is he doing now?

Mr. HOFFMAN. I do not know what he is doing now. He is not active in this strike, so far as I know; that is here.

I put that in because of these wires. For example, they say that our attempt to subpoena Flaxer and Weinstein and Bancroft and Palmer, the latter two officers of the local here, is un-American, "shockingly undemocratic tactics" is what they say. There is something to what Mr. Bernstein said when he was here to the effect that when a man is accused of something, he ought to be confronted by those who testify against him, and inasmuch as many times some of the officers of the local union and the officers of the international have been charged with being Communists, or with affiliating with Communist organizations, and we have a list of such charges from the Washington papers and

from civil service, police departments, Philadelphia, and local police, in which these gentlemen are listed as being Communists, we thought it was no more than fair to ask them in and give them an opportunity to deny those charges.

And insofar as the charges made that the members of the staff of the committee held up the work down here in the local union office, the only possible foundation for any charge of that kind is that one of the gentlemen asked that they should not move the addressograph, which contained the slides carrying the names of those to whom literature was sent out, and that delay did not exceed at the outside, if you stretch it as far as you can, 10 minutes.

We have been unable so far to find anyone in charge of that office who will acknowledge that they know anything about the business of the organization, or where the files or records are.

We have the officer here, the United States marshal.

I said something about Annie Stein yesterday. I had a wire from her, instead of a letter, as I stated on the record, that she was ill, and of course that is all right with the committee, and the committee understands the situation. She may come later, and she said she would. So that is out.

TESTIMONY OF HAROLD W. McCauley—Recalled

You were given subpoenas to serve upon whom?

Mr. McCauley. Palmer and Bancroft.

Mr. Hoffman. Are those two here?

Mr. McCauley. Yes, sir. That is right, sir.

Mr. Hoffman. Tell us what efforts you have made, and what success you have had.

Mr. McCauley. On several and numerous occasions I have visited the address of the local at 1015 M Street NW., where on the second floor, in answer to inquiries, I have always been directed to a certain desk in the middle of the room where a person, I can only assume to be a receptionist, answers questions.

Mr. Hoffman. Was there anyone else in the room except this one person?

Mr. McCauley. All of the floors, the place is crowded with the strikers coming and going. Each room would have 6, 10, or 18 people.

Mr. Hoffman. Strikers, pickets?

Mr. McCauley. Apparently so, just persons in the union. And each time when I would speak with this person, I would be informed that either, as the case may be, whether it were Mr. Palmer or Mr. Bancroft, that either one of them had not appeared at work that day. If they had appeared, they had gone out before the lady answering the questions had arrived; that she did not know where they were. She did not know when they would come back, or if they would come back.

Upon further inquiry she looked in the telephone book and attempted to get an address for me, which she did not succeed in doing. She went to another room, ostensibly to make inquiries, and I still had no information. And the fact of that simply has been repeated numerous and several times when I would go up there. Each time no one that I spoke to knew anything.

Mr. HOFFMAN. Was there not anyone up there in that room, you say the picket people are coming and going, with whom they transact business?

Mr. McCAULEY. There are people at various desks, behind various typewriters, and these people are coming and going rapidly, and they seem to talk to the various people. And the only one when I would go there, I would be referred to this room, central room, and the answer has always been that they just did not know.

Mr. HOFFMAN. Did you try to make service at the residence?

Mr. McCAULEY. Yes, sir.

Mr. HOFFMAN. And what did you find there at the residence?

Mr. McCAULEY. At the residence of Mr. Palmer, the place has continually been in darkness, the door is closed, and there is never any response. Inquiry among the neighbors elicited that the people seldom come in.

At the home of Mr. Bancroft, the door is open about 2 inches on a chain. After an inquiry through the door who is calling, I was then informed that he was down at the union office. That was 10 o'clock.

Mr. HOFFMAN. Down where?

Mr. McCAULEY. At the union office. That was 10 o'clock last night.

In order to verify the information, I went to the union office. It was all closed and dark.

Last night I was informed that there was to be a union meeting at the Garnett Junior High School at Tenth and U Streets NW. I went there a few minutes before meeting time, was met at the door by a group of three individuals who, after I had shown them my credentials, informed me that neither of the parties I was seeking were there, would be there, or were expected.

After that I made two more attempts.

Mr. HOFFMAN. Why did you not go in and look?

Mr. McCAULEY. I did, sir.

Mr. HOFFMAN. You went in and looked?

Mr. McCAULEY. That is right. I was inside of the hall.

Mr. HOFFMAN. How is that?

Mr. McCAULEY. I was inside of the hall.

Mr. HOFFMAN. Do you know Palmer and Bancroft?

Mr. McCAULEY. No; I do not, sir. I have never seen them.

Mr. HOFFMAN. Have you not anyone in the United States marshall's office that knows these gentlemen? You might meet them right out here in the hall and not know it.

Mr. McCAULEY. That is right. We might be there and some one would inform us that Mr. Bancroft or Mr. Palmer was not there, and he might be on the premises.

Mr. HOFFMAN. Yes; and somebody might tell you that this gentleman is Palmer and you serve him, and you find out you had wrong service.

Mr. McCAULEY. That is right.

Mr. HOFFMAN. I wonder if you cannot find in the Police Department somebody who knows those two gentlemen. They must be rather well known. How would it be if you asked Mr. Schwellenbach? I understand from the press that he is to have a conference with them. Why not ask if you can be present at that conference, and if they come to negotiate with him, then you could serve the subpoena.

Mr. McCAULEY. Yes, sir.

Mr. HOFFMAN. All right. Go ahead.

Mr. McCAULEY. So the answer has been no one knows anything. We have not been able to get any information.

Mr. HOFFMAN. Ask Mr. Schwellenbach to ask these gentlemen to bargain with you about the service of the subpena, do you not see?

Mr. McCAULEY. Yes, sir.

Mr. HOFFMAN. All right. Go ahead.

Mr. McCAULEY. That is all, sir.

Mr. HOFFMAN. I am not trying to tell you how to do your duty. Those thoughts occurred to me.

Mr. McCAULEY. We have access to the files of the police department, but we had not as yet done that.

Mr. HOFFMAN. My suggestion would be that you send out somebody who knows these two gentlemen.

Mr. McCAULEY. We have been trying to, and to find someone who does know them, individually knows them.

Mr. HOFFMAN. Well, Mr. Fisher, do you have any questions?

Mr. FISHER. No questions.

Mr. HOFFMAN. There is nothing for the committee to do. I might say to the gentlemen of the press who are here that Congress must adjourn under the Reorganization Act, I think, not later than the 31st of July next. Possibly they will adjourn before, but until there is an adjournment, of course, we can still look for these gentlemen, as we will. So that maybe sometime we will get a denial of these charges that they are Communists.

Mr. Sands wants to be recognized.

We did not drag you in with a subpena, now.

Mr. SANDS. No, sir.

TESTIMONY OF CHARLES E. SANDS—Resumed

Mr. HOFFMAN. May I ask you why you are appearing here?

Mr. SANDS. I am appearing here to—

Mr. HOFFMAN. In connection with this strike, is it?

Mr. SANDS. That is right. To give our explanation, and to answer Mr. Bernstein on some of his testimony.

Mr. HOFFMAN. Not all of it, though.

Mr. SANDS. Oh, not all of it. It would take me a week.

I would like to insert in the record a leaflet issued by me on November 15, 1947, 3,000 copies of which were distributed to the employees of Government Services, Inc., which stated our position and offered real American leadership to the employees then employed in Government cafeterias.

Mr. Palmer was familiar with this leaflet. One was mailed to him. He commented on same in the public press.

(Text of the leaflet is as follows:)

The Taft-Hartley law. We don't like it and will use all honorable means to repeal it.

Yet we have signed for the protection of our members the necessary affidavits that our leaders are not Communists, and as has always been our custom we have supplied our members with financial statements.

Members are entitled to know where their money comes from and how it is spent, That's democracy.

For labor leaders to refuse to comply with the law, such refusal which might lead to a strike, is not leadership.

The law says you must prove representation. There is only two ways to do this—one by an election—the other by a strike.

Which is the common-sense way?

We think presently, you are being misled.

Do you want real leadership, leadership that is not afraid to proclaim that they are not Communists?

Leadership that can improve your working conditions, without a strike.

The Hotel and Restaurant Employees International Union offers you such leadership.

The entire strength of the Washington Central Labor Union and the American Federation is yours, if you want it.

Just as soon as we have your authorization, we will petition the National Labor Relations Board for collective-bargaining rights for you. And you will be advised of every step taken.

[Sign this, tear off, and mail at once]

I hereby authorize the Hotel and Restaurant Employees International Union to represent me in collective bargaining with my employer.

Name_____ Address_____

Place of employment_____ Position_____

Date_____

1947 ORGANIZING COMMITTEE,
Room 405, AFL Building, Washington 1, D. C.

Mr. SANDS. Yet, in the face of this, on such a political issue, at a meeting with only 400 present out of a membership of 1,500 employees, and without a secret strike ballot, he urged these workers to strike, stating they should not work without a contract. Yet they did work without a contract until January 5, and are now working without a contract at the Agriculture cafeteria, which is run by the Welfare Committee of Employees of the Agriculture Department.

I desire to place in the record the card distributed to the employees of the Government cafeterias after this strike.

(The card referred to is as follows:)

They say—you are strikebreakers—we say, nuts. You have refused to strike on a political issue. The misleadership that called a strike to satisfy their own ego is nothing short of a crime. Why did they refuse to sign the non-Communists affidavits—are they afraid to, are they afraid to tell you where their dollars (your dollars) come from and go? Sign the attached card, mail, no postage required, we will then demand that the company bargain with us for you, we will present the same demands agreed to by you all. We will set up from among you all, elected by you, a shop committee to assist in bargaining.

We will accept no settlement until you, the workers, have voted to approve.

Our dues are \$1.50 per month, no dues payable until we reach a contract.

We are certified by National Labor Relations Board as having qualified under Taft-Hartley Act.

Sign now—mail now—thanks.

Under the National Labor Relations Act employees have the right to choose their agents for collective bargaining. If you will tear off, sign, mail the attached postal, no postage necessary, a meeting will be called at which you and your fellow employees will formulate ways and means to improve your working conditions.

We are an organization affiliated with the American Federation of Labor, Washington Central Labor Union, Maryland and District Federation of Labor, Railway Labor Executive Association. We have 8,000 members in the District working under union contracts.

May we represent you?

I hereby authorize and designate the Hotel and Restaurant Employees Alliance and Bartenders Union, A. F. of L., to represent me in collective bargaining with my employer.

Signature ----- Home address ----- Place of employment -----
 Position ----- Date -----

AFFILIATED AMERICAN FEDERATION OF LABOR AND
 RAILWAY LABOR EXECUTIVES ASSOCIATION.

Tear off and mail at once please.

BUSINESS REPLY CARD

First Class Permit No. 4835-R (sec. 510, P. L. & R.) Washington

Room 405, AFL Building, Local No. 1

Mr. SANDS. In this card we brand the so-called strike as political and not a strike for wages or hours.

I desire to place also in the record copy of a telegram from President William Green, of the A. F. of L., to me on January 21.

Mr. HOFFMAN. Will you read that, please?

Mr. SANDS (reading):

I communicated with office of Secretary of Labor that you and your associates be accorded representation at any conference held for the purposes of bringing about settlement of Government cafeteria strike.

WILLIAM GREEN, *President, A. F. of L.*

I have not been called by the Secretary of Labor, and yet the cafeteria in the Labor Department remains closed, thus denying our members and others gainful employment, causing them hardship and placing some of them as objects of charity.

Mr. HOFFMAN. Let me interrupt you there. You say you have not been called by the Secretary of Labor?

Mr. SANDS. That is right.

Mr. HOFFMAN. Have you asked him whether you could be present?

Mr. SANDS. Yes.

Mr. HOFFMAN. And you say you wired him?

Mr. SANDS. Yes.

Mr. HOFFMAN. Have you got a copy of that?

Mr. SANDS. No; I have not.

Mr. HOFFMAN. Will you get it?

Mr. SANDS. Yes. Also I wired the President of the United States.

Mr. HOFFMAN. We would like a copy of that, then.

Mr. SANDS. Yes.

(The telegrams are as follows:)

JANUARY 9, 1948.

President HARRY S. TRUMAN,

The White House, Washington, D. C.:

The press carries a story that Phil Murray has asked you to intervene in the present controversy affecting the Government cafeterias. I have always had a high regard for Phil; I realize that he sleeps with strange bedfellows, or perhaps the Florida sunshine has affected his better judgment.

This strike at the cafeterias is not a bread-and-butter issue—it was not called for more money or shorter hours; it was called because the officers of the union and their parent body refused to file the necessary non-Communist affidavits and to render to their members financial statements.

To pull 1,500 workers on strike on such an issue should be the subject of an official investigation by perhaps St. Elizabeths.

You were quoted in your State of the Union message as saying, now that the Labor-Management Act, Public Law 101, is the law of our country, you intended to enforce same.

I fail to see how you can render service to our country or to the workers by intervening in a strike called on such a political issue.

We don't like the Taft-Hartley law; we did all possible to defeat same and will continue to seek repeal of the act. Yet, for the protection of our 10,000 members in the District, we have signed that we are not Communists, and in all of our 55 years we have always rendered financial statements to our members.

At the repeated requests of the employees of the Government cafeterias—some of them strikers, some of whom remained at work—we have seen fit to organize these workers and to bargain for them. Hundreds are signing up with our organization, the Hotel and Restaurant Employees and Bartenders International Union, affiliated with the American Federation of Labor and with the Railway Labor Executives Association.

We ask that you remain neutral and not use your high office to mix into a jurisdictional problem.

We intend to go through the usual Government channels in bargaining for these workers. We are certified by the National Labor Relations Board as qualified—the only qualified union of catering-industry employees in the District.

Our record of achievement is known to all.

We will really represent these and any other catering-industry employees that desire us to do so.

Respectfully,

CHAS. E. SANDS,

*International Representative, Hotel and Restaurant Employees and
Bartenders Union, AFL.*

JANUARY 20, 1948.

President HARRY S. TRUMAN.

The White House, Washington, D. C.:

We respectfully request that you direct the Secretary of Labor that our organization be included in any conferences called by him for the purpose of settling the strike in Government cafeterias.

That we have an interest was admitted by the Secretary at a hearing held by the subcommittee of the House Labor Committee.

He stated that he requested the closing of the Labor cafeteria because he understood that the AFL had an interest and that his Department did not want to become involved in a labor jurisdictional dispute.

We also request that you request the Secretary of Labor to reopen the Labor cafeteria so that our members and others may go back to work.

The Secretary admitted to the subcommittee that he knew of no legal right he had to close the Labor cafeteria.

He also admitted that he thought that the Congress did not intend his Department wanted him to mediate labor disputes because in Public Law 101 (Taft-Hartley) they set up an independent department for that purpose.

Respectfully,

CHAS. E. SANDS,

*International Representative, Hotel and Restaurant
Employees and Bartenders Union.*

JANUARY 20, 1948.

Hon. LEWIS SCHWELLENBACH,

Secretary of Labor, Department of Labor, Washington, D. C.:

We request that we be accorded a hearing at any and all conferences called for the purpose of settling the strike at Government cafeterias. We have a substantial interest.

You testified at the subcommittee hearing of the House Education and Labor Committee that the reason you asked that the Labor cafeteria be closed was that you understood that the AFL was interested and that you or your Department did not desire to become involved in a jurisdictional dispute.

Respectfully,

CHAS. E. SANDS,

*International Representative, Hotel and Restaurant
Employees Alliance and Bartenders Union.*

JANUARY 22, 1948.

Hon. LEWIS B. SCHWELLENBACH,

Secretary of Labor, Labor Department, Washington, D. C.:

In my opinion we could all sit around the peace table in a better frame of mind were you to reopen the Labor Department cafeteria.

I hardly believe, in view of what you are trying to do, that CIO would picket; in fact, you might extract from them a promise not to do so.

As a matter of fact not more than 25 percent would have answered a strike call.

Our members and others are being denied their right to work.

Some of the employees at Labor cafeteria were not members of any union.

CHAS. E. SANDS,

*International Representative, Hotel and
Restaurant Employees Alliance and Bartenders Union.*

Mr. HOFFMAN. Have you had an answer?

Mr. SANDS. No.

Mr. HOFFMAN. Did you have an answer from your wire to Mr. Schwellenbach?

Mr. SANDS. No; no answer from anybody.

Mr. HOFFMAN. Go ahead, then.

Mr. SANDS. How a public official can order the Labor Department cafeteria closed and kept closed depriving citizens of work is really a \$64 question.

Mr. Bernstein of UPW in his statement before your committee and at his press conference would have the public believe that the strikers and their organization are denied right because they are Negroes. This is not a fact. Had their officials complied with the law in our opinion the strike would not have occurred. According to our records there are more Negroes employed by Government Services than before the strike, and not one white person has taken the place of a striking Negro. And our organization would not permit it if we could help it.

Of the hundreds of applications our organization has received from present employees, 99 percent are Negroes, a higher percentage of Negroes than before the strike.

So Mr. Bernstein's efforts to turn this political issue into a race question and all its repercussions is unfair, un-American, and is not based on facts.

Of the membership of our international union in Washington, which numbers 10,000, more than 50 percent are Negroes. The simple truth is that Negroes have replaced striking Negroes in this most unfortunate strike called for political reasons.

Our international union, our local joint executive board, the bargaining agent here, and I, have signed the non-Communist affidavits.

I will try and get copies of those telegrams sent to the President and to Mr. Schwellenbach.

I might say that in our telegram to Major General Fleming, asking that the cafeteria in the Labor Department be opened, he answered that, stating that something to the effect that it was being considered, or something to that effect.

That is the only answer that we have had from any official of the United States Government or the President.

I wanted to put this in the record, because Mr. Bernstein at least intimated to your committee and the press that this was a question that the Negroes were being discriminated against, and the fact is that practically all of the employees that are now working in Government Services are of the Negro race.

Mr. FISHER. What did you mean by political strike, Mr. Sands?

Mr. SANDS. Well, it was simply a question, as I understand it, the company requested, which I think they had the right to do, affidavits, and I think the union showed very poor leadership because ultimately they would have had to go to the National Labor Relations Board anyway, if they wanted the union shop, they would have had to have an election.

I may point out that this same union in 1938 used the services of the National Labor Board, 2 years ago they used the services of the Board in an election in the Gateway, Union Station. About 2 years ago they used the services of the National Labor Relations Board at the Airport Restaurant. About 6 months ago they used the services of the National Labor Relations Board in the O'Donnell Restaurant. And they have been continually using the National Labor Relations Board until the law was amended to provide for the non-Communist affidavits.

Well, they have used it. In the O'Donnell Restaurant case, they defeated us for bargaining rights, and, of course, they had a strike there of about, well, I guess about 3 months.

Mr. FISHER. It is your judgment, then, that instead of this being a good-faith strike for wages and working conditions, that it is a political strike, and that considerations other than welfare of the workers themselves is involved in it?

Mr. SANDS. Positively. If I might recite a little history, a year ago there was a difference of opinion between the company and the union as to wages. There was a strike about 7 or 8 days. The Conciliation Service—of course this was before the Taft-Hartley law—the Conciliation Service brought the people together, the union and the company, an arbitration board was set up, and the arbitration board came through with an award, I think, of 10 cents an hour.

I am pointing out that they used all of the services of the Government up until the time non-Communist affidavits were required, and now pin their faith on a branch of the United States Government, the Secretary of Labor, to get them out of this mess.

So they use anybody that they can use without complying with the affidavits that they are not Communists.

Mr. FISHER. You take the position that your union represents a substantial number of the present employees.

Mr. SANDS. That is right.

Mr. FISHER. Your desire is that you be recognized in connection with any negotiations?

Mr. SANDS. That is right.

Mr. FISHER. Pertaining to the operation and employment in these restaurants.

Mr. SANDS. That is right.

Mr. FISHER. And you take the position that as soon as possible an election should be held to see who the majority of the employees want to represent them.

Mr. SANDS. We would have to have an election.

Mr. FISHER. That would be necessary.

Mr. SANDS. To have a union shop.

Mr. FISHER. That is what you are asking for, and that is the purpose of your appeals to the President and to Mr. Schwollenbach.

Mr. SANDS. That is right.

Mr. FISHER. And to this committee, and to all others.

Mr. SANDS. Our main purpose is to get that labor open, supporting some of these people who want to go to work, get the Labor cafeteria open, who are our members and were before the strike. The so-called strike is a financial burden on us, and already my information is that many of these workers who want to go to work there are objects of charity of the District government, because they are deprived of the right to work.

Mr. FISHER. You are very familiar, it seems, Mr. Sands, with the history of the GSI, and their negotiations with the unions, including your own.

Mr. SANDS. That is right.

Mr. FISHER. And based upon your knowledge of the history of this organization, it is your opinion that they used all of the facilities that the Government had, or anybody else had.

Mr. SANDS. And are now using them.

Mr. FISHER. In their support up until the time of the big drive which came on against communism in this country, as indicated in the Taft-Hartley bill.

Mr. SANDS. That is right.

Mr. FISHER. Then they promptly quit, and withdrew from any right to call upon the NLRB for assistance in connection with their labor relations.

Mr. SANDS. That is right. But they are hanging on the coattails of the Secretary of Labor, trying to get the thing adjusted.

Mr. FISHER. Even though they refuse to sign affidavits that they are not members of the Communist Party.

Mr. SANDS. That is right.

Mr. FISHER. That is all.

Mr. SANDS. If I might inject this, I do not see why this cafeteria union is affiliated with the UPW in the first place, because the United Federal Workers and Municipal Employees now—they amalgamated at Atlantic City—represents solely governmental employees and city employees and State employees, and the members of this union do not work for the Government, or any State or county. They work for an independent company which is Government Services, Inc.

I could go back into a little history of who organized this union if you would care to listen to it.

Mr. HOFFMAN. Was this man Harris who was murdered down here one of the officers?

Mr. SANDS. Yes; he was business agent.

Mr. HOFFMAN. Of this local?

Mr. SANDS. That is right.

Mr. HOFFMAN. 471.

Mr. SANDS. That is right.

Mr. HOFFMAN. You know something about him, do you, and his record?

Mr. SANDS. No.

Mr. HOFFMAN. Would you recognize his picture?

Mr. SANDS. Yes.

Mr. HOFFMAN. It is rather small. Let Mr. Sands look at them. We will have a larger one later. See if you recognize him there.

Mr. SANDS. No; I could not. I would not want to say under oath that I do recognize him.

Mr. HOFFMAN. Before you enter into this explanation of this organization of this union, I am a little confused about this; I have been referring to this organization, the parent organization, the international, as UPW.

Mr. SANDS. That is right. United Public Workers.

Mr. HOFFMAN. That is the international which has control over this 471?

Mr. SANDS. I do not know whether it is an international or national union.

Mr. HOFFMAN. Whatever we call it.

Mr. SANDS. That is right.

Mr. HOFFMAN. You had another one that you said something about they were affiliated with. I thought you said just a moment ago.

Mr. SANDS. No; I said I do not see why they need to be affiliated with the United Federal Workers; they are not Federal employees. They work for a private contractor or private company.

Mr. HOFFMAN. Well, now, where I asked you about that picture, if you recognized Mr. Harris, there is correspondence on those pages between representatives of local 471, directed to one Max Bedacht. Do you know him?

Mr. SANDS. No; I do not.

Mr. HOFFMAN. Well, he was the official spokesman, it is stated, of the Communist Party, and he was formerly executive secretary of the Communist Party of the United States. He is now underground, and his position is general secretary of the International Workers, and orders are filled by Max Milbrin, who was arrested by the immigration authorities under the act which says any alien who is a member of an organization that advocates the overthrow of the United States by force and violence should be deported. Milgrim is from Russia, and the Russian Government refused to take him back. What do you know there about that?

Mr. SANDS. I do not know any of those gentlemen, or I do not know anything about the correspondence.

I believe it was in 1937 a meeting was called of the employees of the Government cafeteria, and there were not very many there. An organizer that we had in here at that time, by the name of Beulah Carter, attended the meeting with a Negro member connected with our dining-car employees by the name of Johnson, who now is employed by the Government.

This little meeting was held, and the workers were going to decide whether they wanted CIO or A. F. of L.

The meeting was addressed by Jessica Buck. Jessica Buck was the wife of Reihn, was married to him all during the time of the depression when it was supposed to be that only one member in each family could be a Government employee. Jessica Buck was his wife, and they both worked for the Government.

They were in the Washington Central Labor Union, along with Eleanor Nelson and Donovan and the rest of that crowd, until the Washington Central Labor Union kicked them out.

Mr. HOFFMAN. You have spoken about these people now. What is the significance of their activities in this?

Mr. SANDS. I want to show you that UPW organized these people through Jessica Buck and Reihn, who is one of the directors of organization for the UPW.

Mr. HOFFMAN. The people to whom you referred, were they good citizens or not?

Mr. SANDS. Well, they were so good that the Washington Central Labor Union threw them out, about 20 of them, including Eleanor Nelson.

Mr. HOFFMAN. That might have been something else.

Mr. SANDS. I do not know whether they are good citizens or not.

Mr. HOFFMAN. Do you know of your own knowledge as to why they threw them out?

Mr. SANDS. They threw them out because of their continually coming in every meeting with Communist resolutions and packing the meetings and trying to put the ideas of the communistic resolutions over. I know, because I was chairman of the resolutions committee.

That is the outfit that organized them. And maybe because they were, and finally Jessica Buck, who was presiding, all those that want A. F. of L. go to this side, they were timid, they did not move; all those that want CIO go to this side, and they had enough stooges in there to start going to one side.

Mr. HOFFMAN. You fell down on your job of organizing.

Mr. SANDS. That is right; we did. That is right. That is right; we did. That is the way they were organized.

Mr. HOFFMAN. All right. Well, then, I gather, and if I am not correct you may correct me, your contention is that this 471 had its inception with a group of Communists or communistic sympathizers.

Mr. SANDS. That is right.

Mr. HOFFMAN. That is a pretty grave charge. If anyone reading that statement wants to come in and say it is not so, this committee is wide open any time.

Mr. FISHER. That is right.

Mr. SANDS. They have that right.

Mr. HOFFMAN. That is all, then.

We have had out subpoenas for several people. Is there anyone who has been served with a subpoena in this room?

(No response.)

Mr. HOFFMAN. Mr. McArthur, tell us what effort you made to serve the subpoena in New York.

First, identify yourself: you are on the committee staff.

TESTIMONY OF FRANK S. McARTHUR, STAFF MEMBER, HOUSE COMMITTEE ON EDUCATION AND LABOR, WASHINGTON, D. C.

Mr. McARTHUR. Frank S. McArthur. That is right.

Mr. HOFFMAN. You went to New York and enlisted the aid of the United States marshal up there?

Mr. McARTHUR. That is right.

Mr. HOFFMAN. In an effort to get service.

Mr. McARTHUR. On four members of the UPW.

Mr. HOFFMAN. And will you give us their names?

Mr. McARTHUR. Robert Weinstein, Eleanor Nelson, Abram Flaxer, and Goldsmith; it is Leonard Goldsmith.

These men are supposed to be officers of the national union, the international, and I went up to the marshal's office, and we endeavored to serve these subpoenas over at 2 Lafayette Street, their New York office, transferred from Washington.

They were in quite a confused state when we went in there, just moving in, and there was just one party there. She told us her name was Ruth Friedman. She is supervisor of membership.

We asked her what that meant. She said she kept a list of the members, and so forth and so on, of the international union.

Mr. HOFFMAN. To make it short, I am going to ask you for a conclusion, which is contrary to the usual procedure, but did you and the United States marshal make a diligent effort to obtain service on the four persons you have named?

Mr. McARTHUR. We did.

Mr. HOFFMAN. Were you able to find any of them?

Mr. McARTHUR. None at all. We understand that two——

Mr. HOFFMAN. You understand that two?

Mr. McARTHUR. Are out of the city, one in the Middle West and the other on the Pacific coast.

Mr. HOFFMAN. And we will wait until they return. But you could not locate the other two?

Mr. McARTHUR. That is right.

Mr. HOFFMAN. We will adjourn subject to call by some member of the committee.

(Whereupon, at 10:55 a. m., the subcommittee adjourned subject to call.)

INVESTIGATION OF GSI STRIKE

MONDAY, FEBRUARY 2, 1948

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D. C.

The subcommittee met, pursuant to call, at 10 a. m., in room 428, Old House Office Building, Hon. Clare E. Hoffman (chairman of the subcommittee) presiding.

Also present: Hon. Arthur G. Klein, of New York, member of the House Committee on Education and Labor.

Mr. HOFFMAN. The committee will come to order.

Will you call the names of witnesses subpoenaed and those who are present will answer, please.

Mr. REIMAN. Abram Flaxer.

Mr. WITT. Mr. Flaxer will be here in a little while. He has been detained.

Mr. HOFFMAN. Will you announce when he comes?

Mr. WITT. Yes.

Mr. REIMAN. Oliver T. Palmer.

Mr. PALMER. Present.

Mr. HOFFMAN. Will you step forward.

Mr. REIMAN. Victor Daly.

Mr. DALY. Present.

Mr. REIMAN. Identify yourself, please.

(Mr. Daly came forward.)

Mr. REIMAN. Robert Morrison.

Mr. MORRISON. Here.

Mr. REIMAN. Ethel Dew.

Mrs. DEW. Here.

Mr. REIMAN. Are you Mrs. Dew?

Mrs. DEW. Yes.

Mr. REIMAN. Ethel Thompson. Ethel Thompson.

(No response.)

Mr. REIMAN. Alfred Bernstein.

(No response.)

Mr. WITT. Was Mr. Bernstein subpoenaed, Mr. Chairman?

Mr. REIMAN. He has not been.

Mr. WITT. I represent the union. So far as I know, Mr. Bernstein has not been subpoenaed.

Mr. REIMAN. That is correct.

Charles S. Hill.

Mr. HILL. Here.

Mr. REIMAN. Richard Bancroft.

Mr. BANCROFT. Here.

Mr. HOFFMAN. We will ask Mr. Flaxer, Mr. Bancroft, and Mr. Palmer to please come forward.

Mr. WITT. I just reported that Mr. Flaxer has been detained. He will be here in a little while.

Mr. HOFFMAN. Then we will have Mr. Palmer and Mr. Bancroft.

Will you both hold up your hands and be sworn.

You do each solemnly swear that in the testimony you will give before this committee, you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BANCROFT. I do.

Mr. PALMER. I do.

Mr. HOFFMAN. That is all now, if you please. I wanted to start with Mr. Flaxer, if I might.

Mr. WITT. I am not a witness. Can you tell me until what time you plan to sit this morning?

Mr. HOFFMAN. We will have to recess at about 5 minutes to 11, to meet at 7 o'clock tonight.

Mr. WITT. Do you plan to go on at 7 o'clock? I am not sure that Mr. Flaxer can get here before 11 o'clock.

Mr. HOFFMAN. Mr. Flaxer was subpoenaed to be here at 10 o'clock.

Mr. WITT. He was detained on important business.

Mr. HOFFMAN. This business is important, too, and you can see you have 50 people back here waiting to hear Mr. Flaxer, so you will have him be prompt hereafter.

Mr. WITT. We will do our best. You have other witnesses here. I do not see the point of agitating about Mr. Flaxer. I have told you he would be here.

Mr. HOFFMAN. You did not say he would be here, however, at 10 o'clock, and I am advising you when the committee serves a subpoena on these witnesses, the committee reserves the right to determine the order in which they are called. The committee reserves that right. I would like to have them here.

TESTIMONY OF J. C. NIEHUSS, PERSONNEL MANAGER, GOVERNMENT SERVICES, INC., WASHINGTON, D. C.

Mr. HOFFMAN. Were you sworn the other day?

Mr. NIEHUSS. Yes, sir; I was.

Mr. HOFFMAN. In the press of yesterday there was a statement purporting to come from Clarence Mitchell, who is labor secretary of the National Association for the Advancement of Colored People, and in substance that called upon Maj. Gen. Philip Fleming, Federal Works Administrator, and Cabinet officers, to close the cafeterias, and I quote now—

in order that this may become a contest between the company and the employees, rather than the present conflict which to all intents and purposes is between the company and the colored citizens.

You are the personnel manager of GSI?

Mr. NIEHUSS. Yes, sir.

Mr. HOFFMAN. I will ask you how many colored employees do you have at the present time.

Mr. NIEHUSS. At the present time, sir; I would say we have approximately 1,340 colored employees.

Mr. HOFFMAN. And before the strike how many colored people did you have?

Mr. NIEHUSS. Before the strike we had a total of 1,552 colored employees.

Mr. HOFFMAN. At any time have you hired any white person to take a job formerly held by a colored person?

Mr. NIEHUSS. No, sir.

Mr. HOFFMAN. Do you know of any racial issue that is connected with this strike?

Mr. NIEHUSS. No, sir. There certainly would not be. Government Services, Inc., has always been a predominant employer of the colored race in Washington.

Mr. HOFFMAN. Any questions, Mr. Smith?

Mr. SMITH. No questions.

Mr. HOFFMAN. Any questions, Mr. Fisher?

Mr. FISHER. Not at present.

Mr. HOFFMAN. I may say for the benefit of those who are present, that this situation seems to be approaching the same procedure that we had in connection with the Allis-Chalmers strike, which was before the full Labor Committee.

Now, the committee desires and has so expressed its desire after consultation here with the members, that Mr. Flaxer be the first witness, so we will adjourn this matter until Mr. Flaxer can be here, and we expect him here tonight at 7 o'clock.

Wait a moment. Maybe we better put it over to this afternoon at 2 o'clock, because it may be that we may be able to be excused from the House session.

Mr. WITT. I have just checked on Mr. Flaxer, and I am told that Mr. Flaxer will be here about a quarter to 11 this morning, so if you want to hold this hearing until Mr. Flaxer appears in about 20 or 25 minutes, you can have him.

Mr. HOFFMAN. We can recess until, you say, a quarter to 11?

Mr. WITT. That is when we expect him.

Mr. HOFFMAN. That will give us 5 minutes with him before we have to go to the House.

Mr. WITT. If you are determined to make an Allis-Chalmers case out of this, I assume that 5 minutes will be enough.

Mr. HOFFMAN. How is that?

Mr. WITT. I would like to know for the record what you mean by your reference to Allis-Chalmers, Mr. Chairman. Will you state for the record—

Mr. HOFFMAN. No; I will not state for the record—

Mr. WITT. What your reference means to Allis-Chalmers.

Mr. HOFFMAN. I do not think it is necessary.

Mr. FISHER. He is not testifying.

Mr. WITT. I represent Mr. Flaxer and I represent the union.

Mr. HOFFMAN. I do not care whether you represent the union, or whom you represent. The committee is under no obligation to give its reasons to you for anything that it does.

Mr. NIEHUSS. I would like to make one comment with respect to this racial issue.

Now, in previous negotiations, as well as this year's present difficulty with this union, they have always tried to raise the point that it is a racial issue, that Government Services, Inc., is a Jim Crow company. I want to make a definite statement that that is not true.

For instance, the scurvy type of literature that they put out recently.

Mr. HOFFMAN. Have you samples of it, sir?

Mr. NIEHUSS. I do not have one with me.

Mr. HOFFMAN. Will you bring it over? You referred to it as scurrilous literature. We would like to see for ourselves.

Mr. NIEHUSS. A statement that GSI has never promoted or used colored employees in supervisory positions—at the present time we have a man working with white supervisors who is a colored supervisor at our unit in the Army Air Forces Building, T-7.

In my own personnel division, I have a colored man working for me. We also have another colored supervisor at the FBI cafeteria.

That is just an example of the type of information that they try to bring forward.

Mr. HOFFMAN. If you have anything further to say in connection with this matter, you may do so.

Mr. NIEHUSS. The union has claimed that this was an economic issue, but they were not able to make that stick, so apparently now, they are changing their tactics.

Mr. HOFFMAN. What do you mean, they were not able to make that stick?

Mr. NIEHUSS. Well, it is apparent to everyone that this is not an economic issue.

Mr. HOFFMAN. Wait a moment. That is your conclusion again. Give us the facts on which you base that, if you have them.

Mr. NIEHUSS. Well, the union claims that the corporation has refused to negotiate on wages. That has never been true. And the fact of the matter is that our employees are now earning one of the highest cafeteria wage scales in the city of Washington.

The union signed a contract for the same wage increase at the Pentagon cafeteria that we voluntarily gave our employees. So it became pretty apparent to the public as time went on that there was no controversy here over wages, because the corporation had always been willing to pay the going rate in the city.

Mr. HOFFMAN. As I understand it, GSI is willing now, and has been at all times willing, to bargain with this particular union if its officers will sign the affidavits required by the Taft-Hartley Act.

Mr. NIEHUSS. We are willing to bargain with any union which can be certified by the only legally constituted body to do so, which is the National Labor Relations Board, that they are certified to do that.

Mr. HOFFMAN. Anything else here?

(No response.)

Mr. HOFFMAN. Is Ethel Dew here?

Mrs. DEW. Yes, sir; I am here.

Mr. HOFFMAN. We will just take a moment with you. You were sworn the other day?

Mrs. DEW. This is my first time here.

Mr. HOFFMAN. Raise your right hand, please, and be sworn.

You do solemnly swear that in the testimony you will give before

this committee, you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. DEW. I do.

**TESTIMONY OF MRS. ETHEL DEW, RECEPTIONIST, LOCAL 471,
UPWA, WASHINGTON, D. C.**

Mr. HOFFMAN. What is your position in connection with this particular union?

Mrs. DEW. I work in the office.

Mr. HOFFMAN. And what are your duties there?

Mrs. DEW. Answering the telephone and typing, mimeographing leaflets.

Mr. HOFFMAN. And that is all?

Mrs. DEW. Yes.

Mr. HOFFMAN. Have you any knowledge of the business transacted by the union?

Mrs. DEW. None. I just answer their letters they give me to write.

Mr. HOFFMAN. Did you have the keys to any of the filing cabinets?

Mrs. DEW. No; I do not.

Mr. HOFFMAN. Am I correct in assuming that all you know about it is that you just act as receptionist, and do some typing?

Mrs. DEW. That is right.

Mr. HOFFMAN. So far as I am concerned, unless you have some questions, I do not care about her coming back. At the time the subpoena was issued for her, we were unable to find any of the officers, and we were just following down from the one who happened to be in the office, to see if we could get service on the officers. And as I understand it, they have now been served, and will be here.

What do you say, Mr. Fisher?

Mr. FISHER. That is agreeable to me.

Mr. HOFFMAN. Then you may be excused permanently.

Mrs. DEW. Thank you.

Mr. HOFFMAN. Victor Daly. Were you sworn before?

Mr. DALY. No.

Mr. HOFFMAN. You do solemnly swear that the testimony you shall give shall be the truth, the whole truth, and nothing but the truth, so help you God.

Mr. DALY. I do.

**TESTIMONY OF VICTOR DALY, CHIEF OF PERSONNEL AND FISCAL
DIVISION, UNITED STATES EMPLOYMENT SERVICE FOR THE DIS-
TRICT OF COLUMBIA, WASHINGTON, D. C.**

Mr. HOFFMAN. Mr. Daly, will you identify yourself? Give us your official position with the Government, and outline very briefly your duties.

Mr. DALY. I am at the present time chief of the Personnel and Fiscal Division of the United States Employment Service for the District of Columbia.

My duties briefly embrace the employment of new personnel. I handle all personnel actions relative to the agency, and I prepare, and

prepare to defend, budgetary matters that are necessary for the operation of the agency, fiscal matters. That briefly constitutes my duties.

I have been employed with the United States Employment Service for the past 13 years.

Mr. HOFFMAN. And you are a member of what CIO union?

Mr. DALY. I do not belong to any union, CIO.

Mr. HOFFMAN. Not now?

Mr. DALY. Never have.

Mr. HOFFMAN. Do you receive those who come in to apply for employment?

Mr. DALY. With the agency; yes, sir.

Mr. HOFFMAN. That is to say, anyone here seeking a job, unemployment job, do they come to you?

Mr. DALY. No, sir.

Mr. HOFFMAN. Who do they go to?

Mr. DALY. The only people I see are people who are interested in working for the United States Employment Service of the Department of Labor.

Mr. HOFFMAN. You do not assign anyone to jobs.

Mr. DALY. No, sir. I simply act as the representative of the agency in the employment of new people for the agency itself.

Mr. HOFFMAN. And have you a list of the questions that you ask these people when they come in asking for jobs?

Mr. DALY. Well, these people that are referred to us, Mr. Chairman, come to us from the Civil Service. They are referred to us by the Civil Service as qualified applicants for jobs with the United States Employment Service.

Mr. HOFFMAN. And you assign them?

Mr. DALY. I assign them if I find that they are worthy of employment in the agency, and we can use them; yes, sir.

Mr. HOFFMAN. Assuming that you have jobs available, how do you determine, with civil-service records before you, what position any applicant shall be assigned to?

Mr. DALY. Well, the whole process originates with us. If we have a vacancy for a typist, we will so notify the Civil Service. Then from their certified list of eligibles, they will forward to us three eligibles for each vacancy that we have. Then I examine the records of these three eligibles, which gives their vital statistics, gives their work history and background, their educational qualifications, and their experience, and I send for those three people by telegram.

They come in and then they are questioned by me or an assistant along those lines.

Mr. HOFFMAN. Is there a record made of that, a stenographic record made of your questions and the answers?

Mr. DALY. No, sir. No, sir. We select the one that we feel is best suited to the needs of the organization, and so notify the Civil Service.

Mr. HOFFMAN. And you have no list of questions that you ask them?

Mr. DALY. No, sir. There is no stereotyped list of questions that we ask them.

Mr. HOFFMAN. Is there anyone else in the same service that does the same thing that you do?

Mr. DALY. Not for the United States Employment Service for the District of Columbia.

Mr. HOFFMAN. So that anyone seeking a job with that service in the District of Columbia is selected by you from one of the three.

Mr. DALY. Yes, sir. Then I refer——

Mr. HOFFMAN. How many people have you assigned in the last year?

Mr. DALY. Well, I have not been on the job for a year. I have only been in this particular position since the fall.

Mr. HOFFMAN. And how many have you assigned?

Mr. DALY. Probably 12 or 14 so far.

Mr. HOFFMAN. And if you will, I would like to have you bring to the committee a statement, bring up your records showing the reports of the Civil Service as made to you on each of these jobs for each position, together with your final determination, and the name of any individual who assisted you.

Mr. DALY. Well, that may not be as easy as it sounds, Mr. Chairman, because the records of the Civil Service are forwarded to us in units of three for each vacancy.

Mr. HOFFMAN. Yes, sir.

Mr. DALY. Then we make our selection and return those records to the Civil Service. They are permanent records of the Civil Service.

Mr. HOFFMAN. If you will give us the number or the file number or the names, or whatever is necessary to identify them, if you do not get them from the Civil Service, we will, provided we can.

Mr. DALY. Well, we can—we have what we call——

Mr. HOFFMAN. You had 12; you have assigned 12 people to jobs, as I get it, approximately 12.

Mr. DALY. Yes, sir.

Mr. HOFFMAN. If you can get those ready by 7 o'clock tonight, we would like to have them, if you will, please, so that we may examine them.

Mr. DALY. Of these new employees that we have just taken into the service since my term?

Mr. HOFFMAN. Since your term; that is right.

Mr. DALY. My term began——

Mr. SMITH. These new people, do you call a person a new one at the time he is entering the Government service?

Mr. DALY. Sometimes they come to us as transfers from another agency.

Mr. SMITH. Well, now, when you say these 12 to 14, does that mean they may have worked and been transferred from another department?

Mr. DALY. From another agency to the Employment Service at their own request because they have taken and passed civil-service examinations that will qualify them for a higher grade in the service. And they are referred or certified out to other agencies by the Civil Service. We have one or two instances of that, where we have taken former Government employees from other agencies who were working at a lower grade, took an examination and passed it, and were certified to us and employed by us at a higher grade than the one that they previously held. Some of them are new people who just have come out of college and are seeking employment for the first time, and have qualified under the civil service. Some of them are young veterans who have no civil-service status, but come to us as clerks.

At the present time the Civil Service Commission has not set up its register of clerks yet, and consequently they give to the agencies the

authority to employ clerks outside of the civil-service certified lists, but with the proviso that within the next 6 months those people will have to report for civil-service examination. If at that time they fail to pass, then the ywill be separated from the service. That is only done in the lower grades.

Mr. FISHER. How many people work for USES here in the District?

Mr. DALY. One hundred and fifty-two.

Mr. FISHER. What percent of the budget for that agency goes to the office of personnel, approximately?

Mr. DALY. I can give you the amount of money that the budget—that was appropriated for us last year, but in the personnel office we only have two employees, myself and an assistant, and in the fiscal office we have two employees besides myself, a fiscal clerk and a payroll clerk. And then we get our stenographic work done from the clerical pool, which serves the entire office, administrative office.

Mr. FISHER. Altogether?

Mr. DALY. Altogether we have four people employed in personnel and fiscal services for the District of Columbia.

Mr. FISHER. These other people, the hundred and how many did you say?

Mr. DALY. One hundred and fifty-two altogether.

Mr. FISHER. What is the nature of their work?

Mr. DALY. Well, there are 20 in the administrative office. That corresponds to the State employment offices in the States. And the other 132 are assigned to operations.

Our operations are divided into two parts, a clerical and professional office on Fifteenth Street, and a trades and industrial office at Fifth Street.

In the trades and industrial office we have approximately 80 to 85 employees, and the remainder, something around 40 or more, are in the clerical and professional office. They are interviewers and clerks and counselors. They interview new applicants for positions that are listed with the Employment Service, and are referred, selected, and referred to jobs by those interviewers.

Mr. FISHER. What is the total budget for the current year?

Mr. DALY. Our budget this year was lumped with the appropriations for the maintenance of the Employment Service in the Territory of Puerto Rico and the United States Employment Service for the District of Columbia and Puerto Rico were given a joint appropriation of \$578,000. The Secretary of Labor apportions that money between the two organizations.

Mr. FISHER. I assume the major portion of it—

Mr. DALY. The major portion of its comes here, because the Puerto Rico agency is very small.

Mr. FISHER. Very small?

Mr. DALY. Yes, sir. We estimate that our budget operates in the neighborhood of \$450,000.

Mr. FISHER. That is all.

Mr. SMITH. When you spoke a moment ago, the others were interviewers, what do you mean by those?

Mr. DALY. An interviewer is an employee in the local employment office who registers new applicants for work, people that come in seeking work, veterans, and others. He registers them, and records the information which he procures from them on a registration card, an

application card it might be called. That is one group of interviewers.

Then we have another interviewer who deals only with employers, who takes the orders from employers, as they call them in, or as they come to the office and leave orders for job openings.

Mr. SMITH. These interviewers that you are speaking about now are before a man ever gets before the Civil Service Commission—that is for private employment you are talking about?

Mr. DALY. Yes, sir; that is for private employment; private employment and private industry in the District of Columbia; yes sir. They list the job openings as they come to them, some of the interviewers. There are other interviewers that make the selection and referral. They match the man with the job opening. They match the applicants with the job openings, and send for them, and when they come into the office, they refer them out to the jobs.

Mr. SMITH. You and your assistant are the only ones who interview and determine the suitability of an employee for your own particular organization?

Mr. DALY. That is right. Now, our work, of course, is under the supervision of the director. After we make the selection, we submit it to him for his final approval, and his final approval is the last word. We make the preliminary selections and the recommendation to the director of the United States Employment Service for the District of Columbia, who makes the final determination.

Mr. SMITH. That is all.

Mr. HOFFMAN. Let me get this straight in my own mind. You pass upon those who apply for positions in what service?

Mr. DALY. With the agency, with United States Employment Service for the District of Columbia.

Mr. HOFFMAN. And you determine the fitness of those applicants by the information sent to you by the Civil Service Commission, and from your interview with them.

Mr. DALY. Yes, sir; that is right.

Mr. HOFFMAN. And is there any appeal from your decision?

Mr. DALY. No, sir; there is no appeal.

Mr. HOFFMAN. Then you said the Service had so many employees in the administrative department.

Mr. DALY. The office, yes, sir. Yes, sir.

Mr. HOFFMAN. What is their function?

Mr. DALY. Well, the administrative office, sir, consists roughly of the staff personnel, the people who activate the procedures of the agency down through.

Mr. HOFFMAN. Of what agency?

Mr. DALY. Of the USES for the District of Columbia, through the local offices.

Mr. HOFFMAN. That is outside of your organization?

Mr. DALY. I am part of that organization.

Mr. HOFFMAN. But you do not have anything to do—

Mr. DALY. With the operation of the local offices; no, sir.

Mr. HOFFMAN. With the operation of it.

Mr. DALY. No, sir; that is done by staff personnel at the administrative office.

Mr. HOFFMAN. That agency gets a list of such employers as desire to use its services of jobs that are open, does it not?

Mr. DALY. I do not quite follow you, sir.

Mr. HOFFMAN. Read the question.

(The chairman's question was read by the reporter.)

Mr. DALY. Yes, sir.

Mr. HOFFMAN. To what particular division of USES do those applications go?

Mr. DALY. They go to the division known as employer relations.

Mr. HOFFMAN. How many individuals are employed there?

Mr. DALY. Well, as I said before, Mr. Chairman, we have two offices and each office has its own division of employer relations, because the types of jobs that come into that office differ one from the other.

Mr. HOFFMAN. You mean to say if I make an application for a job as a stonemason, that goes one place?

Mr. DALY. Yes, sir.

Mr. HOFFMAN. If I make an application for a job as a chemist, that goes some place else?

Mr. DALY. That is right.

Mr. HOFFMAN. You classify them according to their jobs

Mr. DALY. To those two major classifications, trades and industrial work, at Fifth and C Streets, and clerical and professional work at 1022 Fifteenth Street.

Mr. HOFFMAN. In trades, you have how many?

Mr. DALY. In trades, we have approximately 85 employees.

Mr. HOFFMAN. And in clerical?

Mr. DALY. In clerical we have approximately 40.

Mr. HOFFMAN. And is the procedure in the two approximately the same?

Mr. DALY. The procedures are the same; yes, sir.

Mr. HOFFMAN. They get no—for instance, I apply for a job there. You get no record from any civil service.

Mr. DALY. No, sir.

Mr. HOFFMAN. Because there may be none.

Mr. DALY. There may be none.

Mr. HOFFMAN. How did you determine and who determines my fitness, for a job as bricklayer?

Mr. DALY. Well, that is determined largely, Mr. Chairman, by the interview that the interviewer has originally.

Mr. HOFFMAN. Conducted by what interviewer?

Mr. DALY. When a man comes in for a job as a bricklayer, he goes to the receptionist at the counter and so states he is a bricklayer. All right. He is transferred over to an interviewer who gives him an interview lasting from 20 minutes to half an hour, to determine his qualifications.

Mr. HOFFMAN. Who selects these interviewers?

Mr. DALY. The interviewers, you mean to select that individual man?

Mr. HOFFMAN. Yes.

Mr. DALY. Or the employment of the interviewer?

Mr. HOFFMAN. I was asking first as to the employment of the interviewer.

Mr. DALY. They are selected by the personnel office, but they are all civil-service employees, as I said, that are sent up to us by the Civil Service Commission, and we select them.

Mr. HOFFMAN. So that you select the man then to interview the bricklayer.

Mr. DALY. The personnel office selects the man who selects the bricklayer.

Mr. HOFFMAN. What is the procedure of the interviewer? You say he talks with the applicant for, say, 20 minutes. What else does he do?

Mr. DALY. Approximately. Then he records that information on a registration card in the presence of the applicant while he is there. He makes the record of it on both sides.

Mr. HOFFMAN. Do you have those cards now?

Mr. DALY. We have cards. Do you mean do I have one with me at the present time?

Mr. HOFFMAN. You have those in the office.

Mr. DALY. They are permanent Government records. We have them in the office, and they list the social-security number.

Mr. HOFFMAN. Who has authority over those?

Mr. DALY. The manager.

Mr. HOFFMAN. What is his name?

Mr. DALY. We have two managers. We have a manager in the Fifth Street office.

Mr. HOFFMAN. Give me both of them.

Mr. DALY. Mr. Robert A. Morrison, who is the manager of the office at Fifth and C Streets.

Mr. HOFFMAN. He is here this morning.

Mr. DALY. He is here this morning—trades and industry.

Mr. HOFFMAN. Go ahead.

Mr. DALY. And we have Godfrey G. Thorn.

Mr. HOFFMAN. Spell the last name.

Mr. DALY. T-h-o-r-n, Thorn, manager of the clerical and professional office on Fifteenth Street. They have local supervision over those two branch offices. We call them branch-office managers. That is their official title.

Mr. HOFFMAN. In view of the fact that it has been charged in this matter that there is racial discrimination, I wish you would give me, if you have it, and if you have not, I guess you can get it, a list of the employees of USES divided according to race and color. We want to see how much discrimination there is, if any.

Mr. DALY. You mean within the agency itself?

Mr. HOFFMAN. Yes.

Mr. DALY. Well, it varies from day to day, Mr. Chairman, but approximately we have 39 colored employees among the 152.

Mr. HOFFMAN. I am not quick at figures. I wonder what percentage that is.

Mr. DALY. That is, I should say, roughly, a little better than one-third, about 25 percent.

Mr. HOFFMAN. Twenty-five percent.

Mr. DALY. Yes, sir.

Mr. HOFFMAN. I guess you still have it a little high. Anyway, the percentage of colored people in the country to those of whites is variously estimated at between 9 and 11 percent, is it not?

Mr. POWELL. The percentage in the District is almost 30 percent.

Mr. HOFFMAN. If you are going to determine discrimination, I would not want to select any one city. Is that not about right? That is about right, is it not, Mr. Powell?

Mr. POWELL. Yes.

Mr. HOFFMAN. Some say 9 and some say 11, and assuming that is correct, your organization has not in any way discriminated against colored people has it, with reference to jobs?

Mr. DALY. No, sir.

Mr. POWELL. I would like to ask Mr. Daly, at what office are those 39 Negroes located?

Mr. DALY. I would like to revise those figures upward and say approximately 45. I think that is nearer than 39.

Mr. HOFFMAN. We will get to that.

Mr. DALY. They are divided equally. They are divided indiscriminately between the 3 offices; in the administrative office we have 4 out of the 20; in the clerical and professional office on Fifteenth Street, I would say that we had about 10 colored employees out of the 40, and the remaining number, the larger bulk of them are in the Fifth and C Streets office, the trades and industrial office.

Mr. HOFFMAN. If you will bring in the information I asked for, that will give it to us accurately.

Mr. DALY. No, sir; our records are not kept according to race, but I can give you a separate list of the exact number when I come again.

Mr. HOFFMAN. All right. You may send it up. I do not think it will be necessary for you to come up.

Mr. DALY. Yes, sir.

Mr. HOFFMAN. In your office you said there was you and one other.

Mr. DALY. We have four colored persons in the administrative office.

Mr. HOFFMAN. How many white ones.

Mr. DALY. Sixteen white ones.

Mr. HOFFMAN. Let me go back. I understood you to testify a while ago that when they came to you for a job, and they sent over the civil-service record, your decision was final.

Mr. DALY. Under the supervision of the director, who, after all, has the final authority in the agency.

Mr. HOFFMAN. Yes.

Mr. DALY. I am a member of his staff, and my duty is to select the personnel, but he at any time could veto anything that I do or change it in any way to suit himself. But I am the head of the personnel office, which is charged with the selection and employment of new personnel for the agency.

Mr. HOFFMAN. So in the first instance, the new personnel must have your O. K.

Mr. DALY. That is right.

Mr. HOFFMAN. After the interview and after you have considered the material that comes over from civil service, you, without the assistance of someone else, determine whether or not that applicant gets any particular job.

Mr. DALY. That is right; yes, sir.

Mr. HOFFMAN. And no white person assists you.

Mr. DALY. I have an assistant who happens to be a white person.

Mr. HOFFMAN. Who is that?

Mr. DALY. A Mrs. Himes. H-i-m-e-s. She is the personnel assistant, and she works with me. When I am not there, she takes over.

Mr. FISHER. You have not observed any discrimination down in that department?

Mr. DALY. Beg pardon?

Mr. FISHER. You have not observed any discrimination in that department, have you?

Mr. DALY. No, sir. The United States Employment Service for the District of Columbia, in the hiring of employees to work in the agency, has been fair-minded.

Mr. FISHER. There is no evidence of racial discrimination whatever that has come to your attention?

Mr. DALY. That would be a very broad statement to answer. I do not feel that we have any racial discrimination in the organization per se. That is among the employees and among their opportunities to advance, but it was only until last year, last September a year ago, that the office was integrated. Up until that time we had complete segregation through the office. We had separate divisions within the divisions for colored and white applicants who came to seek work at the agency, and those divisions were staffed by colored and white personnel according to the types of applicants that they interviewed and handled.

Mr. HOFFMAN. That has ben changed?

Mr. DALY. That was changed a year ago this September.

Mr. HOFFMAN. Now the whites have come to you, a colored person?

Mr. DALY. Yes, sir.

Mr. HOFFMAN. You are not finding any fault with that.

Mr. DALY. No, sir.

Mr. FISHER. You cannot point to any particular thing now and say that it is evidence of existing racial discrimination in that department down there.

Mr. DALY. No, sir.

Mr. FISHER. You cannot?

Mr. DALY. No.

Mr. HOFFMAN. Thank you very much. And if you wish to send that information up, instead of coming again, if it will save you time, that will be all right.

Mr. DALY. Yes, sir.

Mr. WITT. May the record show that Mr. Flaxer appeared in the hearing room at 10:40.

Mr. HOFFMAN. Yes, sir.

Mr. MORRISON, you do solemnly swear that the testimony which you shall give shall be the truth, the whole truth, and nothing but the truth, so help you God?

TESTIMONY OF ROBERT A. MORRISON, OFFICE MANAGER, UNITED STATES EMPLOYMENT SERVICE, WASHINGTON, D. C.

Mr. MORRISON. Yes, sir.

Mr. HOFFMAN. What is your position, please?

Mr. MORRISON. I am the manager at the Fifth and C Streets office, known as the industrial and construction office.

Mr. HOFFMAN. And your duties?

Mr. MORRISON. I am the manager. I am in charge of all of the activities that go on in there.

Mr. HOFFMAN. You are the manager. What do you do? There are all sorts of managers.

Mr. MORRISON. I am in charge of all of the personnel. I am in charge of all of the activities in that office, to see that the people get instructions and follow them out. That covers registrations, referrals, taking orders, field visits, counseling, handicapped counseling, veterans.

Mr. HOFFMAN. All right, now; what do your employees do?

Mr. MORRISON. They are the people—Mr. Daly gave you the idea—they are the people that register applicants for work. They are the people that visit our employers and solicit orders. They counsel handicapped people and veterans for opportunities for work. They are the people that do all of the activities within the Employment Service.

Any particular one I could tell you, but there is about 20 or 30 different break-downs in there.

Mr. HOFFMAN. Assume that I come in for a job as bricklayer.

Mr. MORRISON. Yes, sir.

Mr. HOFFMAN. I register.

Mr. MORRISON. Yes, sir.

Mr. HOFFMAN. Sign a card.

Mr. MORRISON. Yes, sir.

Mr. HOFFMAN. Someone interviews me.

Mr. MORRISON. Yes, sir.

Mr. HOFFMAN. Maybe someone visits me at my home.

Mr. MORRISON. No, sir.

Mr. HOFFMAN. I have been interviewed, and I have signed my card. Then what happens next?

Mr. MORRISON. Well, at the present time, if you are a bricklayer and you come in, and go through all of those procedures, say, I have a job at \$30 a day, he will be sent to a placement officer who will tell you about the order in the office from various employers, not naming them, where the jobs are located, and salaries, and you would be referred out on the job at \$30 a day.

Mr. HOFFMAN. How long a day, I want to know.

Mr. MORRISON. 8 hours.

Mr. HOFFMAN. Who does that? That is what I was getting at.

Mr. MORRISON. That is handled in the construction unit of the office.

Mr. HOFFMAN. I have been interviewed, and I have signed my card.

Mr. MORRISON. That is right.

Mr. HOFFMAN. Who tells me where to go? Who tells me what is available?

Mr. MORRISON. Well, there are two ways. One way is at the present moment you used an occupation where there is a scarcity. You go upstairs to be registered. Those people have what we call—

Mr. HOFFMAN. I have been registered, and I have been interviewed. Now what happens to me.

Mr. MORRISON. I am showing you how it works. You have been registered by a person upstairs that does nothing but registration work. They have what we call a demand list. That is an occupation where there are a lot of openings. They would send you downstairs to the placement unit, and the placement officer in that unit would talk to you and refer you out.

Mr. HOFFMAN. Who is the placement officer?

Mr. MORRISON. There are three in that unit.

Mr. HOFFMAN. What are their names?

Mr. MORRISON. Kosciensky.

Mr. HOFFMAN. Wait a minute.

Mr. MORRISON. Don't ask me how to spell it. There is a man named Kosciensky, Joseph Parasso—

Mr. HOFFMAN. Where does the first gentleman live?

Mr. MORRISON. I do not know.

Mr. HOFFMAN. Do your records show down there? Will you send me up a letter when you get back, giving me the names and addresses of those three officers.

Mr. MORRISON. Yes, sir.

Mr. HOFFMAN. Thank you. We will skip it then for the moment. What do you have to do with all of this? Do you supervise that?

Mr. MORRISON. Yes, sir.

Mr. HOFFMAN. Do you supervise the placement?

Mr. MORRISON. Indirectly; yes, sir. I am responsible for all of the procedures that go into that.

Mr. HOFFMAN. And you direct the policy of the placement folks?

Mr. MORRISON. Yes, that is right; in my office.

Mr. HOFFMAN. Your decision is final?

Mr. MORRISON. According to the procedures that come down from the Labor Department, yes sir.

Mr. HOFFMAN. What do they send down?

Mr. MORRISON. Well, when there is a new procedure put out by the Labor Department, how the whole country should cooperate, that comes down and I put it into operation in my office. They come in three different forms. One is supervisory memorandum. I will send you a copy of them.

Mr. HOFFMAN. How long have you been in Government service?

Mr. MORRISON. 10 years, going on 11.

Mr. HOFFMAN. How did you get your job? You were assigned?

Mr. MORRISON. No, sir; I came in there 10 years ago off of a district civil-service test, what they call the test for that particular job. We were under the District Government then. I come in as an interviewer. I have union affiliation with the A. F. of L., which I still hold. I have carried for 27 years. I carry them in the marblesetters and polishers. And in AFGE. That is the Government union for Government clerks.

Mr. HOFFMAN. And what experience have you had in any trade?

Mr. MORRISON. I served apprenticeship as a carpenter, 4 years, and 17 years as a construction man. I helped build every one of these Government buildings in one capacity or another. I went to 1 year of high school, and a part of a bookkeeping course at Temple University.

Mr. HOFFMAN. Not that I think education in school is a necessity at all.

Mr. MORRISON. That is all right.

Mr. HOFFMAN. And have you a list down there of those who have applied for and been assigned to jobs in the past 4 months?

Mr. MORRISON. Yes, sir. You would have to get that, I imagine, through the Labor Department.

Mr. HOFFMAN. Do you not have it in your office?

Mr. MORRISON. Yes, sir; but I could not give those to you. I would have to get an order.

Mr. HOFFMAN. You could not let our investigators see those?

Mr. MORRISON. I would have to have orders from above me to see that.

Mr. HOFFMAN. It might be confidential?

Mr. MORRISON. Anything on our record is confidential.

Mr. HOFFMAN. All you come to us is for money to run your office, but when you get the information, we cannot look at it?

Mr. MORRISON. No, sir; I did not say that. You see, you people make the law.

Mr. HOFFMAN. We get that——

Mr. MORRISON. What I meant is you people make the law, how it has to operate.

Mr. HOFFMAN. Listen——

Mr. MORRISON. The orders must come down, not from me.

Mr. HOFFMAN. We never made any law denying to the Representatives of Congress or its committees information collected through public funds.

Mr. MORRISON. You see, again I am operating under procedure I have to.

Mr. HOFFMAN. Well, thank you ever so much.

Mr. MORRISON. You want copies of those procedures memorandum?

Mr. HOFFMAN. We want copies of those rules that you have to operate under, and then we will get, if we can, from Mr. Schwellenbach, permission to examine your interviewing records.

You do not discriminate because of color, do you?

Mr. MORRISON. No, sir; I have got about, I would say I have got now 60 percent colored working for me.

Mr. HOFFMAN. You are discriminating against the whites?

Mr. MORRISON. No; I am not either.

Mr. HOFFMAN. You can send those up. It would not violate Mr. Schwellenbach's rules if you sent up some of those blank forms that you use in interviewing, would it?

Mr. MORRISON. No, sir.

Mr. HOFFMAN. If you will, send some of those, too, some time this afternoon.

Mr. MORRISON. Yes, sir.

Mr. HOFFMAN. Thank you very much.

It is time to adjourn now, and we will tentatively adjourn until 2 o'clock. If we can get permission of the House we will come back at 2 o'clock.

(Whereupon, at 11 a. m., a recess was taken until 2 p. m. the same day.)

AFTERNOON SESSION

(The hearing was resumed at 2 p. m.)

Mr. SMITH. For the benefit of those witnesses under subpoena, you will appear back in this room at 7 o'clock this evening.

The session this afternoon is adjourned until 7 o'clock this evening in this room.

(Whereupon, at 2:05 p. m., a recess was taken until 7 p. m. the same day.)

EVENING SESSION

(Pursuant to taking the recess, the subcommittee reconvened at 7 p. m.)

Mr. HOFFMAN. The committee will come to order.

Let the record show that Mr. Flaxer is here.

Mr. Witt, are you his attorney?

Mr. WITT. Yes, I am, and Mr. Forer is associated with me.

Mr. HOFFMAN. And Mr. Klein, a member of the House Committee on Education and Labor is also here, and will be accorded the usual privileges of questioning witnesses, if he desires, the same as though he was a member of the subcommittee.

Very well, Mr. Flaxer, if you will stand up. Do you solemnly swear that the testimony you shall give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FLAXER. I do.

Mr. HOFFMAN. Let the record show that all members of the subcommittee are present. Mr. Klein is also here.

Mr. Flaxer, your first name is what?

TESTIMONY OF ABRAM FLAXER, PRESIDENT, UNITED PUBLIC WORKERS OF AMERICA, CIO, NEW YORK, N. Y.

Mr. FLAXER. Abram.

Mr. HOFFMAN. And you were born September 12, 1904.

Mr. FLAXER. In the city of Vilna, Lithuania.

Mr. HOFFMAN. That was at that time a part of the Russian Empire?

Mr. FLAXER. Yes.

Mr. HOFFMAN. You are also a graduate of the City College of New York?

Mr. FLAXER. Yes.

Mr. HOFFMAN. A member of the American Labor Party?

Mr. FLAXER. Correct.

Mr. HOFFMAN. And is that Communist-controlled?

Mr. FLAXER. I would not know, sir.

Mr. HOFFMAN. You are president of the United Public Workers of America, CIO?

Mr. FLAXER. Yes.

Mr. HOFFMAN. And former president of the State, County, and Municipal Workers of America, CIO?

Mr. FLAXER. Right.

Mr. HOFFMAN. And that was merged with United Federal Workers in 1946 to create the UPW?

Mr. FLAXER. Correct.

Mr. HOFFMAN. You are now a member of the executive board, are you not?

Mr. FLAXER. Executive board of the CIO?

Mr. HOFFMAN. Yes.

Mr. FLAXER. Right.

Mr. HOFFMAN. And of the CIO social-security committee?

Mr. FLAXER. That is correct.

Mr. HOFFMAN. You were appointed one of the three members to work out the CIO policy on communism at Atlantic City at the national convention?

Mr. FLAXER. That is correct.

Mr. HOFFMAN. And your position on the strikes against the Government was expressed in an article in Survey magazine of April 1942, and the following is an excerpt, is it not, and I quote:

The Government employer asserts that a strike against the Government is akin to insurrection.

Is that right?

Mr. FLAXER. Yes.

Mr. HOFFMAN. I continue to quote:

Therefore, if the Government employee strikes, he is subject to penalties. But if the Government employee refrains from striking, he is barred from collective bargaining rights to which other citizens are entitled.

Is that correct?

Mr. FLAXER. Those were the facts at the time that I wrote that.

Mr. HOFFMAN. That is your statement, is it?

Mr. FLAXER. I believe that is the statement, I am not sure, as near as I can recall.

Mr. HOFFMAN. And I continue to quote:

Can a more effective trap be devised for trade union men and women?

Mr. FLAXER. Yes.

Mr. HOFFMAN. Is that right?

Mr. FLAXER. I believe that is right.

Mr. HOFFMAN. As a matter of fact, you take the position now, do you not, for your organization, that collective bargaining is not barred to those who do not comply with the provisions of the Taft-Hartley Act?

Mr. FLAXER. That is the law.

Mr. HOFFMAN. That is to say, if you do not comply with the requirements of the Taft-Hartley Act, calling for the signing of certain affidavits by the members of the union, you still have the right to bargain collectively.

Mr. FLAXER. That is the law, sir.

Mr. HOFFMAN. And if you take that position, you do not get the benefits of the Taft-Hartley Act, do you?

Mr. FLAXER. If you do not want to avail yourself of the benefits, you don't avail yourself.

Mr. HOFFMAN. My question is this: You do not claim, do you, that a union whose officials refuse to comply with the law are entitled to the benefits, if there are any, which may be derived from the use of the National Labor Relations Board?

Mr. FLAXER. Mr. Chairman, it is not a matter of what I claim. That is the law.

Mr. HOFFMAN. Well, I am asking for your construction of the law.

Mr. FLAXER. As I understand it, that is the law.

Mr. HOFFMAN. That is to say, you cannot get the benefits if there are benefits, of the Taft-Hartley Act unless you comply with that requirement as to the signing of certain affidavits.

Mr. FLAXER. Yes.

Mr. HOFFMAN. You are the president of the UPW union?

Mr. FLAXER. Yes, sir.

Mr. HOFFMAN. And that is the parent organization of local 471 here in Washington?

Mr. FLAXER. Yes.

Mr. HOFFMAN. In bargaining is the UPW a party to the collective-bargaining negotiations?

Mr. FLAXER. Well, no more than we are a party to the collective bargaining of any one of our other locals. We try to assist our local unions to bargain, to solve their problems.

Mr. HOFFMAN. Under arrangement with local 471, may the officers of that organization bargain contrary to the wishes or desires as to the terms of a contract with the local employer?

Mr. FLAXER. Well, our local unions will bargain and sign the terms of an agreement based upon the wishes of their membership; even the local officers cannot sign an agreement unless the members vote in favor of that agreement.

Mr. HOFFMAN. And assuming that the officers of 471, and the members, agree upon a contract, does the national organization of which you are president have any authority to override that agreement?

Mr. FLAXER. I imagine we might have the authority, but it has never been exercised.

Mr. HOFFMAN. That is to say, if the local union, 471, and the members thereof, desire to enter into a contract with their employer here in Washington, you would not in any way interfere with that bargain or contract?

Mr. FLAXER. Well, I certainly would not interfere at the present instance.

Mr. HOFFMAN. There is no reason why the employer in this case cannot bargain with 471, is there, if it desires?

Mr. FLAXER. No reason whatsoever if it has the desire, but apparently they have none.

Mr. HOFFMAN. And there is no reason why they could not bargain if they desired with a thief or habitual criminal, so far as you know, is there?

Mr. FLAXER. You mean the employer could bargain with anyone they want?

Mr. HOFFMAN. There is no reason why the local union cannot, if it wishes, bargain with the employer if it chooses to comply with the provisions of the Taft-Hartley Act, and thus obtain all of the benefits of the National Labor Relations law?

Mr. FLAXER. That is a matter for the local union.

Mr. HOFFMAN. I say there is no reason why it cannot if it desires, is there?

Mr. FLAXER. No; there is no reason at all.

Mr. HOFFMAN. So that there are two things now which stand in the way of collective bargaining between the employer and 471; first, the refusal of the employer to bargain.

Mr. FLAXER. Yes.

Mr. HOFFMAN. And it gives as one reason, at least, the refusal of the officers of the local to sign these affidavits required by the Taft-Hartley Act. You understand that, too, do you not?

Mr. FLAXER. I understand that. I don't believe those are the reasons, however.

Mr. HOFFMAN. But that is one of the reasons it gives, is it not?

Mr. FLAXER. Yes.

Mr. HOFFMAN. And that it has a right under the law to rely upon it, has it not?

Mr. FLAXER. Yes.

Mr. HOFFMAN. And you can—wait a minute.

Mr. FLAXER. I am sorry.

Mr. HOFFMAN. Now, counsel, you are permitted to sit here, but not to coach the witness.

Mr. WITT. These are legal questions. I am not coaching the witness. I have a right to discuss legal questions with my client.

Mr. HOFFMAN. You cannot discuss anything while we are examining the witness. I think he is fully qualified. He has had years of experience, and you are here as a matter of courtesy, and we are glad to have you here. But we will ask to have the witness testify on his own.

Mr. FLAXER. Would you mind repeating that last question?

Mr. HOFFMAN. To go back a moment, to show your competency to speak for yourself, and I have every reason to believe that you are fully competent, you were president of the same organization back in May of 1941, were you not?

Mr. FLAXER. I was president of the State, County, and Municipal Workers in May 1941.

Mr. HOFFMAN. You did not hold an office in the national organization?

Mr. FLAXER. I was president of the national union of State, County, and Municipal Workers in 1941.

Mr. HOFFMAN. Yes. And one of your locals at that time was carrying on a strike in Pittsburgh against two hospitals, was it not?

Mr. FLAXER. The West Penn hospitals; that is correct.

Mr. HOFFMAN. Do you remember the names of them?

Mr. FLAXER. West Penn.

Mr. HOFFMAN. Mercy was one of them, and St. Elizabeth's was the other, was it not?

Mr. FLAXER. I don't remember. I think it was the West Penn Hospital, that was the only one.

Mr. HOFFMAN. One of them was the St. Francis Hospital, was it not?

Mr. FLAXER. I don't remember, sir.

Mr. HOFFMAN. Well, for your information, I will say it was. And the other was the Mercy Hospital, in Pittsburgh.

Mr. FLAXER. Again I will say I don't remember. I remember the West Penn.

Mr. HOFFMAN. For the record I will state those were the two hospitals, and you do not deny that, do you?

Mr. FLAXER. Well, I can't, because I don't remember.

Mr. HOFFMAN. Do you remember the number of the local, the name of the local?

Mr. FLAXER. No; I don't. I don't know whether that local union is now in existence.

Mr. HOFFMAN. Hospital Workers Local Union 255 of the State, County, and Municipal Workers of America. Is that right?

Mr. FLAXER. I don't know. It may be right.

Mr. HOFFMAN. Do you know David Kains?

Mr. FLAXER. He use to be our regional director in the State of Pennsylvania.

Mr. HOFFMAN. Of the organization of which you were then president?

Mr. FLAXER. Right. I want to make a correction of that. He was the president of the district, not the regional director.

Mr. HOFFMAN. And Robert Weinstein.

Mr. FLAXER. He was the secretary-treasurer of that district.

Mr. HOFFMAN. Is he now connected with your national organization?

Mr. FLAXER. Yes; he is director of organization.

Mr. HOFFMAN. Foss Baker?

Mr. FLAXER. He used to be an organizer for the district. He is no longer connected with our union.

Mr. HOFFMAN. John Donnelly?

Mr. FLAXER. John Donnelly was the president of the local, I believe. I don't know where he is now. I don't think he has any connection with the union.

Mr. HOFFMAN. At that time a Mr. Filer, was it John W. Filer, was the captain of the picket line.

Mr. FLAXER. I don't remember that, sir.

Mr. HOFFMAN. Do you know a Mr. Hines, legislative counsel, I think, at the present time for the A. F. of L.?

Mr. FLAXER. I don't know him. I know of him. He used to be, I believe, the chairman of the labor department of the State of Pennsylvania.

Mr. HOFFMAN. Louis G. Hines; he was secretary of the department of labor and industry of the Commonwealth of Pennsylvania.

Mr. FLAXER. Yes. I don't know him. I know of him.

Mr. HOFFMAN. He held that office on January 30 of 1941.

You have no personal objections, have you, to the local union officers, Mr. Palmer and Mr. Bancroft, the others, signing these affidavits required by the Taft-Hartley Act, have you? Or have you?

Mr. FLAXER. Well, I would rather explain this as follows, Mr. Chairman. At the Boston convention of the CIO, we passed and adopted a resolution.

Mr. HOFFMAN. And by "we," I suppose you mean the organization.

Mr. FLAXER. All of the delegates at the CIO convention. In adopting that resolution and the discussion that ensued and particularly in the remarks of President Murray on that particular resolution, we all unanimously agreed that the Taft-Hartley Law was the most vicious piece of antilabor legislation this country has ever seen, and that we would leave no step unturned to have it repealed.

The sense of that, therefore, was to frown upon any compliance, or rather let me put it this way: The sense of that was to frown upon any going along with that law, and wherever possible and if

possible, to try to work out our collective-bargaining arrangements without reference and without interference by the Taft-Hartley Law and its machinery.

That expresses not merely my personal convictions, but I believe the convictions of every delegate, every one of the 600 people who were delegates of CIO at that convention.

Mr. HOFFMAN. Well, boiled down, that means that the union took the position at that time that it would comply with that law only as a last resort.

Mr. FLAXER. No, no.

Mr. HOFFMAN. Well, only if it became necessary in order to get collective bargaining.

Mr. FLAXER. No, no. That was merely the decision on the part of some of the other unions. Some unions felt that it might be worthwhile for them to sign. But having decided that, and having signed, they still had not changed their opinion about the law, and their determination to have it repealed.

Mr. HOFFMAN. Well, then, at the moment, however, the local or your organization takes the position that it will not suggest to the officers that they sign such affidavits until they have exhausted every other means of obtaining collective bargaining.

Mr. FLAXER. No. Let me explain in a few words.

Mr. HOFFMAN. You have had a few words, and I still do not get it.

Mr. FLAXER. Well, I tried to explain the larger issues affecting the CIO, and I, as a board member of CIO, and as a delegate at the CIO convention, that the Taft-Hartley law has its various applications to the various differing unions, and for our union, for example, the United Public Workers, it practically has no applications at all, because we do not come under the provisions of that law.

Mr. HOFFMAN. What do you mean by that?

Mr. FLAXER. Well, Government employees never were covered by the old Wagner Labor Relations Act. They were excluded from its benefits and provisions.

The Taft-Hartley Act, which is supposed to merely amend the Wagner Relations Act, but in actual fact, of course, it repeals it, and writes a different law, that too excludes Government employees from the various provisions with one exception; it provides that Federal employees do not strike, and that is merely an extension of a rider, of appropriation riders that were adopted about a year and a half ago.

Mr. HOFFMAN. Well, all right. The Taft-Hartley Act provides that your union can, if it wishes, force an employer to bargain, does it not?

Mr. FLAXER. No. The Taft-Hartley law does not provide that.

Mr. HOFFMAN. So you say that if you comply with the provisions of the Taft-Hartley Act, you still cannot bargain collectively?

Mr. FLAXER. No; we can bargain collectively regardless of compliance.

Mr. HOFFMAN. Sure you can.

Mr. FLAXER. But the point I am trying to make is that we do not fall under the Taft-Hartley Act, and we do not have to be concerned by its provisions as an individual union.

Mr. HOFFMAN. But you will concede, will you not, that if you want the benefits of the Taft-Hartley Act, you must comply with its terms.

Mr. FLAXER. Well, sir, we have no benefits deriving from the Taft-Hartley Act, especially us.

Mr. HOFFMAN. Now, wait a minute. Assume there are benefits, as most of organized labor at the present time thinks there are——

Mr. FLAXER. I beg to differ with you. I don't think that most of organized labor believes that.

Mr. HOFFMAN. We will take a hypothetical question. Assume that there are benefits to be obtained by organized labor through the use of the Taft-Hartley Act. Your union can get those benefits if it complies with the law, can it not?

Mr. FLAXER. I presume that if our union wants to, and can, that is, when I say can, if it is possible to get what you call benefits of the Taft-Hartley Act, then I presume we have to conform to the rules and regulations under the Taft Hartley Act.

Mr. HOFFMAN. What do you say to this statement? The Federation News of September 2, 1940, in a comment concerning you said, and I quote:

He was an unknown social worker when the Communist Party began looking about for someone to build into the head of a Government employees union.

What do you say as to that? Is that correct or not?

Mr. FLAXER. Well, sir, I do not see that that question has——

Mr. HOFFMAN. It does not make any difference whether you do or not. We will get along faster——

Mr. FLAXER. I would rather not answer that question.

Mr. HOFFMAN. Do you refuse to answer that question?

Mr. FLAXER. I would like to make a statement on that particular subject.

Mr. HOFFMAN. We are asking some questions here, and if you will answer them, we will get along very quickly.

Mr. FLAXER. May I consult with my counsel?

Mr. HOFFMAN. Sure.

Mr. FLAXER. Sir, do you mind reading the question again?

Mr. HOFFMAN. Read the question.

(The question was read by the reporter.)

Mr. HOFFMAN. To the best of your knowledge.

Mr. FLAXER. That is really silly, that whole—with due deference to you.

Mr. HOFFMAN. If that is your comment, if that is your answer, that is all right.

Mr. FLAXER. I certainly do. Anybody can make all kinds of comments of that kind.

Mr. HOFFMAN. That is true.

Now, what do you say as to this: On January 30, 1941, Louis J. Hines, then secretary of the department of labor and industry of the Commonwealth of Pennsylvania, referring to you, said that you had, and I now quote:

* * * has been singled out on a number of occasions as one of the leading members of the Communist Party in America.

What is your comment on that?

Mr. FLAXER. I have about the same comment on the statement of Hines as I have on the statement of the federation, and any number of other statements of like caliber.

Mr. HOFFMAN. You mean that statement of Mr. Hines was silly?

Mr. FLAXER. I think it is silly.

Mr. HOFFMAN. At that time, were you a member of the Communist Party? That is January 30, 1941.

Mr. FLAXER. That I will have to refuse to answer, sir, and I would like to give my reasons for refusing to answer.

Mr. HOFFMAN. Well, if you have any, I am not especially concerned in any reason unless you claim that it might tend to incriminate you.

Mr. FLAXER. I don't make such a claim.

Mr. HOFFMAN. Wait a minute until I finish my statement.

If you claim that answering the question might tend to incriminate you, or to disgrace you.

Mr. FLAXER. No; I don't make that—

Mr. HOFFMAN. Of course, you have the right to refuse.

Mr. FLAXER. I don't make that claim at all. I am refusing on other grounds, and I would like to explain what those grounds are.

Mr. HOFFMAN. Well, one of my associates suggests that you be asked, "Were you at that time a member of the Communist Party?"

Mr. FLAXER. The same answer as before, sir.

Mr. HOFFMAN. And I also ask you the question, have you at any time been a member of the Communist Party?

Mr. FLAXER. The same answer to all of those classes of questions, and I would like to explain why I am refusing specifically now to answer that question.

Mr. HOFFMAN. We will get to that later. We will ask a series of questions, and then you can make the same statement as to those, each and all of them.

Have you at any time been affiliated with any organization which has since your affiliation with it been listed either by the Attorney General, well, by the Attorney General as being a communistic organization?

Mr. FLAXER. The same answer, sir.

Mr. HOFFMAN. How is that?

Mr. FLAXER. The same answer.

Mr. HOFFMAN. You are familiar with the organizations which have been listed by the Attorney General as being communistic organizations, are you?

Mr. FLAXER. I don't know by what you mean by familiar.

Mr. HOFFMAN. Do you know the names of them?

Mr. FLAXER. I have seen the names, yes; I have seen them on the list.

Mr. HOFFMAN. I do not know whether you have them in mind or not.

Mr. FLAXER. There have been some but you don't have to read the list, Mr. Chairman, because I think that question falls in the same category as those that I am refusing, and I would like to give the reasons why I am refusing to answer them.

Mr. HOFFMAN. I wanted it so as to make the record complete.

I am looking for that list that the Attorney General handed down.

Are you familiar with the list that was used by the Government in its loyalty test?

MR. FLAXER. If you mean did I see the list, I will say that I saw it.

MR. HOFFMAN. Here is the letter and I will hand it to you. We will have it marked "Exhibit No. 1" and will reproduce it here in the record.

(The letter and list referred to are as follows:)

UNITED STATES CIVIL SERVICE COMMISSION,
Washington 25, D. C., December 4, 1947.

SIR: Part III of Executive Order No. 9835 prescribing procedures for the administration of an employee loyalty program in the executive branch of the Government requires the Department of Justice to furnish this Board with "the name of each foreign or domestic organization, association, movement, group, or combination of persons which the Attorney General, after appropriate investigation and determination, designates as totalitarian, Fascist, Communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny others their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means."

In performance of said requirement, the Department of Justice has furnished to this Board a letter from the Attorney General containing the names so designated by him.

Part III of said Executive order also requires this Board "to disseminate such information to all departments and agencies." A copy of said letter from the Attorney General is accordingly enclosed herewith and a copy is also being sent to each other department and agency of the Government. This Board is preparing and will shortly forward to you rules, regulations, and standards by which you are to be guided.

The President in addressing this Board said, with reference to the names to be furnished by the Department of Justice:

"Membership in an organization is simply one piece of evidence which may or may not be helpful in arriving at a conclusion as to the action which is to be taken in a particular case."

In using the names set forth in said letter, you should have in mind these sentiments to which this Board subscribes.

SETH W. RICHARDSON,
Chairman, Loyalty Review Board.

DEPARTMENT OF JUSTICE,
Washington, D. C., November 24, 1947.

HON. SETH W. RICHARDSON,
Chairman, Loyalty Review Board,
Civil Service Commission, Washington, D. C.

MY DEAR MR. RICHARDSON: This is submitted pursuant to the President's Executive Order No. 9835 in which he stated that it is of vital importance that persons employed in the Federal service be of complete and unswerving loyalty to the United States, and further stated that although the loyalty of by far the overwhelming majority of all Government employees is beyond question, the presence within the Government service of any disloyal or subversive person constitutes a threat to our democratic processes. The order provided in part III, section 3, as follows:

"3. The Loyalty Review Board shall currently be furnished by the Department of Justice the name of each foreign or domestic organization, association, movement, group or combination of persons which the Attorney General, after appropriate investigation and determination, designates as totalitarian, Fascist, Communist or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny others their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means.

"a. The Loyalty Review Board shall disseminate such information to all departments and agencies."

Under a previous Executive order (No. 9300), issued February 5, 1943, entitled "Establishing the Interdepartmental Committee to Consider Cases of Subversive Activity on the Part of Federal Employees," and under other relevant authority, the Department of Justice named a number of organizations as subversive. The list was disseminated among the Government agencies for use in connection with consideration of employee loyalty, and included the following organizations:

American League Against War and Fascism
 American Patriots, Inc.
 American Peace Mobilization
 American Youth Congress
 Association of German Nationals (Reichsdeutsche Vereinigung)
 Black Dragon Society
 Central Japanese Association (Beikoku Chuo Nipponjin Kai)
 Central Japanese Association of Southern California
 The Central Organization of the German-American National Alliance (Deutsche-Amerikanische Einheitsfront)
 Communist Party of U. S. A.
 Congress of American Revolutionary Writers
 Dai Nippon Butoku Kai (Military Virtue Society of Japan or Military Art Society of Japan)
 Dante Alighieri Society
 Federation of Italian War Veterans in the U. S. A., Inc. (Associazione Nazionale Combattenti Italiani, Federazione degli Stati Uniti d' America)
 Friends of the New Germany (Freunde des Neuen Deutschlands)
 German-American Bund (Amerikadeutscher Volksbund)
 German-American Vocational League (Deutsche-Amerikanische Berufsgemeinschaft)
 Heimuska Kai, also known as Nokubei Heieki Gimusha Kai, Zaihei Nihonjin, Heiyaku Gimusha Kai, and Zaihei Heimusha Kai (Japanese Residing in America Military Conscripts Association)
 Hinode Kai (Imperial Japanese Reservists)
 Hinomaru Kai (Rising Sun Flag Society—a group of Japanese War Veterans)
 Kokubei Zaigo Shoke Dan (North American Reserve Officers Association)
 Japanese Association of America
 Japanese Overseas Central Society (Kaigai Dobo Chuo Kai)
 Japanese Overseas Convention, Tokyo, Japan, 1940
 Japanese Protective Association (Recruiting Organization)
 Jikyoku Iin Kai (Current Affairs Association)
 Kibel Seinen Kai (Association of U. S. Citizens of Japanese Ancestry who have returned to America after studying in Japan)
 Kyffhaeuser, also known as Kyffhaeuser League (Kyffhaeuser Bund), Kyffhaeuser Fellowship (Kyffhaeuser Kameradschaft)
 Kyffhaeuser War Relief (Kyffhaeuser Kriegshilfswerk)
 Lictor Society (Italian Black Shirts)
 Mario Morgantini Circle
 Michigan Federation for Constitutional Liberties
 Nanka Teikoku Gunyudan (Imperial Military Friends Group or Southern California War Veterans)
 National Committee for the Defense of Political Prisoners
 National Federation for Constitutional Liberties
 National Negro Congress
 Nichibei Kogyo Kaisha (The Great Fujii Theater)
 Northwest Japanese Association
 Protestant War Veterans of the U. S., Inc.
 Sakura Kai (Patriotic Society, or Cherry Association—composed of veterans of Russo-Japanese War)
 Shinto Temples
 Silver Shirt Legion of America
 Sokoku Kai (Fatherland Society)
 Suiko Sha (Reserve Officers Association of Los Angeles)
 Washington Bookshop Association
 Washington Committee for Democratic Action
 Workers Alliance

Under part III, section 3, of Executive Order No. 9835, the following additional organizations are hereby designated:

American Polish Labor Council
 American Youth for Democracy
 Armenian Progressive League of America
 Civil Rights Congress and its affiliated organizations, including:
 Civil Rights Congress for Texas
 Veterans Against Discrimination of Civil Rights Congress of New York
 The Columbians
 Communist Party, U. S. A., formerly Communist Political Association, and its affiliates and committees, including:
 Citizens Committee of the Upper West Side (New York City)
 Committee to Aid the Fighting South
 Dennis Defense Committee
 Labor Research Association, Inc.
 Southern Negro Youth Congress
 United May Day Committee
 United Negro and Allied Veterans of America
 Connecticut State Youth Conference
 Council on African Affairs
 Hollywood Writers Mobilization for Defense
 Hungarian-American Council for Democracy
 International Workers Order, including People's Radio Foundation, Inc.
 Joint Anti-Fascist Refugee Committee
 Ku Klux Klan
 Macedonian-American People's League
 National Committee To Win the Peace
 National Council of American-Soviet Friendship
 Nature Friends of America (since 1935)
 New Committee for Publications
 Photo League (New York City)
 Proletarian Party of America
 Revolutionary Workers League
 Socialist Workers Party, including American Committee for European Workers' Relief
 Veterans of the Abraham Lincoln Brigade
 Workers Party, including Socialist Youth League

Your attention is also directed to certain organizations which are operated as schools. While, of course, I am not of the view that any institution of learning, devoted to the advancement of knowledge, is subversive, it appears that these organizations are adjuncts of the Communist Party. They are as follows:

Abraham Lincoln School, Chicago, Ill.
 George Washington Carver School, New York City
 Jefferson School of Social Science, New York City
 Ohio School of Social Sciences
 Philadelphia School of Social Science and Art
 Samuel Adams School, Boston, Mass.
 School of Jewish Studies, New York City
 Seattle Labor School, Seattle, Wash.
 Tom Paine School of Social Science, Philadelphia, Pa.
 Tom Paine School of Westchester, N. Y.
 Walt Whitman School of Social Science, Newark, N. J.

After the issuance of Executive Order No. 9835 by the President, the Department compiled all available data with respect to the type of organization to be dealt with under that order. The investigative reports of the Federal Bureau of Investigation concerning such organizations were correlated. Memoranda on each such organization were prepared by attorneys of the Department. The list of organizations herein certified is based on their recommendations as reviewed by the Solicitor General, the Assistant Attorneys General, and the Assistant Solicitor General, and by subsequent careful study of the recommendations of all.

In connection with the designation of these organizations I wish to reiterate, as the President has pointed out, that it is entirely possible that many persons

belonging to such organizations may be loyal to the United States; that membership in, affiliation with or sympathetic association with, any organization designated, is simply one piece of evidence which may or may not be helpful in arriving at a conclusion as to the action which is to be taken in a particular case. "Guilt by association" has never been one of the principles of our American jurisprudence. We must be satisfied that reasonable grounds exist for concluding that an individual is disloyal. That must be the guide.

The organizations named in this letter do not represent a complete or final compilation. For example, a number of small and local organizations are not listed. As to many organizations not named, the presently available information is insufficient to warrant a final determination as to their character. Others, presently innocuous, may become the victims of dangerous infiltrating forces and, as a consequence, become proper subjects for designation. New organizations may come into existence whose purposes and activities are in conflict with loyalty to the United States.

From time to time, therefore, as contemplated and directed by the Executive order, there will be furnished to the Board the names of those additional organizations and groups as to which the information received by this Department, resulting from continued investigation, indicates similar designations are required.

If I can be of further assistance to you in reference to the subject matter of this letter, please let me know.

Sincerely yours,

TOM C. CLARK, *Attorney General*.

MR. HOFFMAN. If you will look over that list and tell me whether you are now or whether you ever have been a member of or affiliated with any of those organizations, and if you wish to separate that question into four parts that is all right.

The first one, whether you are now; the second one, whether you ever have been.

MR. FLAXER. I don't think there is any need to separate that. There is an awful lot of organizations, and it really does not really matter whether it is a question of past, present, or future. I have a principal answer to that question, sir, and I would like to give the reasons for it. I have a—

MR. HOFFMAN. My associate suggests that I ask you again whether you are now a member of—

MR. FLAXER. I must refuse—

MR. HOFFMAN. Wait a minute—or affiliated with any of the organizations named in that list, which you have just examined.

MR. FLAXER. I must refuse to answer, and I would like to give the reasons.

MR. HOFFMAN. We will come to that later.

Have you ever been affiliated with any of those organizations?

MR. FLAXER. Again I refuse to answer, sir.

MR. HOFFMAN. One of my associates is inclined to the opinion that you should be required to rely only upon the ground that your answer might tend to incriminate you. I think he is correct about that, one of them. What did you say, Mr. Fisher. Do you want us to extend him the privilege?

MR. KLEIN, I assume that you want him to go along as long as he wants to.

MR. KLEIN. I would not say that. I do not want to invade my hospitality here. I appreciate the fact that you have consented to my being here to ask some questions. I would like to extend him the right to explain why he refuses to answer them. That is just a suggestion.

MR. HOFFMAN. I do not think he has that right. Nevertheless, if

you want to explain it in your own way, that is all right. But I do not want you to read a prepared statement or speech.

Mr. FLAXER. I prepared it all by myself, and it is one and one-half—

Mr. HOFFMAN. If you will now—

Mr. FLAXER. It is one and one-half pages long, and I would prefer to read it, because I am very much interested in having precise language, rather than loose construction, and I think it is to your interest, too.

Mr. WITT. May I say a word, Mr. Chairman? The witness' legal rights turn on his answer to this question, or his being permitted to give the reasons. I do not see why this committee does not let him give the reasons in his own way. If he prefers to read it, he has already stated that it amounts to only a page and a half. I don't see what harm is done, Mr. Chairman, but if you prefer not to have him state the reasons, he won't state the reasons. It is up to you. But what possible objection can there be to the witness stating the reasons as he himself has formulated them in writing?

Mr. SMITH. For not answering the questions, is that your point?

Mr. WITT. For not answering the questions; these are the reasons for not answering the questions.

Mr. HOFFMAN. Very well. I would rather make a mistake on the side of leniency, but for your information now, and that you may be guided in the hearings here, it is the procedure in the Congress to let the witnesses answer for themselves. They have no right as a matter of right to counsel. They are not here charged with any offense. It is merely an inquiry. But as stated, I prefer to make a mistake, err on the side of leniency, and one of the reasons why I think the committees do not permit these long statements is because usually they are more or less of an argument, which is not pertinent. But go ahead now. Let us have it.

Mr. FLAXER. I appreciate that, and I am grateful for the courtesy extended me.

Mr. HOFFMAN. That is all right, you are welcome.

Mr. FLAXER. And I want to say that for the following reasons I must decline to answer this question. First—

Mr. HOFFMAN. Wait a minute—

Mr. FLAXER. All of these questions—

Mr. SMITH. Which questions?

Mr. HOFFMAN. Do you question the jurisdiction of the committee to make the inquiry which it is making or to ask the questions which are being asked?

Mr. FLAXER. I tell you frankly I am not sufficiently legally versed on this matter to give you any opinion.

Mr. HOFFMAN. I will ask your counsel.

Mr. WITT. May the witness consult counsel?

Mr. FORER. Let him read it, Mr. Chairman.

Mr. WITT. Let him read it, and then if you have any further questions—

Mr. FLAXER. If you don't mind, let us get going with this thing.

Mr. HOFFMAN. We have been waiting on you and your counsel.

Mr. FLAXER. I would like to get down to the issues.

Mr. HOFFMAN. First, Mr. Smith suggests that you say whether or not you will answer the question, and then give your reasons for refusal.

Mr. FLAXER. I refuse to answer the questions—

Mr. HOFFMAN. And the following—

Mr. FLAXER. The following are my reasons.

First, the question itself reveals that this committee is permitting itself to be used as an instrument against the 1,600 Negro workers in the Government cafeterias who are now on strike. For me to answer this question would be inimical to the best interests of the strikers, because it assumes that the issue is my political beliefs, and not the economic needs of the strikers.

If this committee desired to play a constructive role in this strike, it—

Mr. HOFFMAN. Is that a reason or a lecture?

Mr. FLAXER. This is a reason, sir.

The committee would be looking into the shamefully low wage of \$21.91 a week paid to the strikers. The committee would be investigating the conditions of virtual servitude forced upon the workers by Government Service, Inc. The committee has not done this. On the contrary, the committee is subverting the purposes of a congressional committee to raise a false issue, and thus serving the strike-breaking aims of GSI.

The committee's action in calling high officials of the Government who are seeking to resolve the issues in this strike only heightens that impression that the sole purpose of the committee is to give strength to the company's strikebreaking endeavor. This impression is further confirmed by the committee's act of calling this morning officials of the United States Employment Service in an effort, I gather, to compel this agency to supply strikebreakers to GSI.

Why did agents of this committee have to raid our union headquarters and subpoena staff and clerical employees? Why did this committee go as far as to subpoena the wife of one of our union officials? What do these employees, what does this wife, have to do with the issues of the GSI strike?

Mr. HOFFMAN. That is what we wanted to find out. That is the reason we subpoenaed you here.

Mr. FLAXER. The committee's present line of inquiry, the entire conduct of the committee in connection with this strike, do not reflect a proper activity on the part of a committee of Congress. Rather, the net effect of the committee's activities amounts to the use of congressional power for strike-breaking purposes.

By answering this question, I, the national president of this union, will be encouraging this unfair and improper course.

My second reason is that this question invades and violates my freedom of opinion. On advice of counsel, it is my position that you have no authority to inquire into my political beliefs. If a congressional committee has authority to inquire into political beliefs, it may also invade religious beliefs. Intrusion into political or religious beliefs is contrary to the constitutional guaranties, and I must resist.

The issue, as you know, is now before the courts. For this committee to pursue the same issue at this time I believe amounts to persecution. The Supreme Court should—

Mr. HOFFMAN. Let me interrupt you.

Mr. FLAXER. Should decide this issue and—I have one more paragraph to finish, and then you can talk.

Mr. HOFFMAN. Thanks for the privilege.

Mr. FLAXER. Finally——

Mr. HOFFMAN. And you did not have to subpoena me to get me to talk.

Mr. FLAXER. I certainly won't do what you did.

Mr. HOFFMAN. And I will not hide out 2 weeks either.

Mr. FLAXER. Finally—I am going to answer to that question.

Finally, by answering the question, I feel that I would be lending aid and comfort to the current drive to destroy civil liberties in our country. It is a drive of which I particularly am all too conscious, for it is the President's loyalty order aimed directly at all Government workers and indirectly at all Americans which is a major weapon in this drive. I cannot abet it and remain faithful to my trust.

Nor can I, by answering this question, aid and abet the red-baiting hysteria which in the hands of labor-hating employers and their allies is sweeping this country. As a trade-union leader, I cannot allow myself to add fuel to a fire which threatens to consume organized labor.

I submit that the entire inquiry before this committee amounts to an abuse of congressional power. In this instance, such abuse helps only a sweatshop employer intent on preventing Negro workers from enjoying the benefits of unionism.

These, sir, are my reasons for refusing to answer those questions.

And now, sir, about this hiding out.

Mr. HOFFMAN. About what?

Mr. FLAXER. About this hiding out that you accused me of.

Mr. HOFFMAN. We will get to that later. Sit down and answer my questions, now. You have had your say.

Most of this, I would say, is about what I expected it would be, sort of a tirade against the committee and its activities, and challenging the good faith of the committee, all of which so far as I am concerned personally has little, if any, effect, and let the record show that as the witness read it, his counsel handed mimeographed copies to the press, which I rather suspect was the main purpose in having it read.

Mr. FLAXER. No; the main purpose——

Mr. HOFFMAN. The first paragraph here, I think we will take the trouble to go through with it. We might just as well.

Mr. SMITH. I wish somebody would explain it to me.

Mr. FORER. Why don't you allow the witness to do it.

Mr. HOFFMAN. It means that you lend yourself to strikebreaking, that you are unfair.

Mr. SMITH. I want to know the reasons why he cannot answer the question because I am a strikebreaker.

Mr. HOFFMAN. We will ask him again.

Are you now affiliated with any of those organizations named in that list that I showed you and which was marked "Exhibit 1"?

Mr. FLAXER. I have already responded to that question that——

Mr. HOFFMAN. Tell me, yes or no; do you refuse to answer?

Mr. FLAXER. I refuse to answer. I have already given you——

Mr. HOFFMAN. Have you ever been affiliated with any of those organizations?

Mr. FLAXER. I have already stated my reasons for not answering that question.

Mr. HOFFMAN. And you refuse to answer; do you?

Mr. FLAXER. For the reasons stated in that statement.

Mr. HOFFMAN. I say, do you refuse to answer?

Mr. FLAXER. I refuse to answer for the reasons given.

Mr. HOFFMAN. And I will ask you again, have you ever been a member of the Communist Party?

Mr. FLAXER. I refuse to answer for the reasons stated.

Mr. HOFFMAN. Well, now, if you wish, and your counsel will advise you on that, we will assume every time you say you refuse to answer, that it is for the reasons you have given.

Mr. WITT. We prefer the witness to say for the reason said.

Mr. HOFFMAN. You prefer—

Mr. WITT. We are advising the witness, if you please.

Mr. HOFFMAN. Well, you will be courteous about it, or you will not be advising.

Mr. WITT. I am doing the best I can, doing the best I can.

Mr. HOFFMAN. Were you ever affiliated with the Communist Party?

Mr. FLAXER. I refuse to answer, sir; for the reasons given.

Mr. HOFFMAN. The first one you have here, you say that the question reveals that the committee is permitting itself to be used as an instrument against the—no smoking in here, please.

Mr. FLAXER. I am sorry.

Mr. HOFFMAN. That is one of the civil rights that you cannot exercise here.

Mr. FLAXER. I am sorry.

Mr. HOFFMAN. Because the rest of us do not want it, you see, the majority, and there are ladies present, and if they all smoked, it would be unbearable in here. [Reading:]

* * * against the 1,600 Negro workers in the Government cafeterias who are now on strike.

Do you know how many Negroes are now employed in those cafeterias?

Mr. FLAXER. I don't know how many are employed now, sir.

Mr. HOFFMAN. For your information, I will say that I think he testified this morning it was 1,300, was it not? There are some 1,300 Negroes.

Mr. FLAXER. Who testified—who was that that testified?

Mr. HOFFMAN. Some personnel man for GSI.

Mr. FLAXER. Well, they made all kinds of claims through the newspapers.

Mr. HOFFMAN. All right. They are paying them; you are not.

Mr. FLAXER. I didn't say anything about that.

Mr. HOFFMAN. Then you suggested that if this committee desired to play a constructive role, the committee would be looking into the shamefully low wage.

Now, the committee, for your information, I will tell you, has nothing to do with the merits of the strike.

Mr. FLAXER. Then how come you came into this strike?

Mr. HOFFMAN. We are endeavoring to ascertain why it is that the Government agencies closed the Supreme Court cafeteria and the

cafeteria in the Department of Labor, and thus discriminated against people who wanted to work. That is how we got in.

I am not asking you. I am just answering your question.

Then you refer to a raid on the union office. You were not there personally, were you?

Mr. FLAXER. I was told about it.

Mr. HOFFMAN. I say you were not there personally.

Mr. FLAXER. No, I was out of town, sir. You might ask me where I was at this stage of the game, because you have already implied—

Mr. HOFFMAN. I am not interested.

Mr. FLAXER. You implied that I was hiding away from you, sir, and I was not. I was away on business, and any one of your marshals could have gotten me where I was.

Mr. HOFFMAN. Strike it all out. We did not ask him anything about it.

I think that is all I care to ask him; later on, I have some other questions.

Were you ever affiliated with the American Committee for Protection of the Foreign Born?

Mr. FLAXER. I indicated before, sir; and we can save ourselves a lot of time, if you will remember that I said on all of these affiliation questions, I will refuse to answer on the basis of the reasons already given.

Mr. HOFFMAN. Were you the sponsor, were you one of the sponsors of the American Committee for Protection of Foreign Born?

Mr. FLAXER. The same is true for that question as for all of the others in that category.

Mr. HOFFMAN. I will ask you whether or not you were one of the endorsers for the American Committee for the Yugoslavia Relief.

Mr. FLAXER. The same thing, sir.

Mr. HOFFMAN. I will ask you whether you were one of the labor sponsors for the American Committee to Save Refugees.

Mr. FLAXER. The same reason as before.

Mr. HOFFMAN. Whether you were an endorser of the American Congress for Peace and Democracy.

Mr. FLAXER. Ditto, ditto.

Mr. HOFFMAN. And whether your name did not appear on their letterhead on January 6 and 8, 1939.

Mr. FLAXER. Look, the same answer and the same reason, but I honestly don't understand what that has to do with the issues before us tonight, which is the strike of local 471 against GSI.

Mr. HOFFMAN. Whether you were or not the general manager of the American Federation of Government Employees, NYC.

Mr. FLAXER. That is a matter of record, sir, that I was the general manager of that local union, was the American Federation of Labor.

Mr. HOFFMAN. That was not a Communist front, was it?

Mr. FLAXER. I refuse to answer that, sir.

Mr. HOFFMAN. Well, for your information—

Mr. FLAXER. The same reasons.

Mr. HOFFMAN. I will tell you it was not a Communist front. I wanted to see if you would answer one that was not.

Mr. FLAXER. The same reason, the same reason as before.

Mr. HOFFMAN. Well, you have already answered it. You forgot yourself there.

Were you a member of the National Labor Committee of the American League for Peace and Democracy?

Mr. FLAXER. The same answer, the same reason.

Mr. HOFFMAN. Did not your name appear on the letterhead of February 8, 1939?

Mr. FLAXER. The same answer, the same reason.

Are you going to read all of the committees and all of the letterheads on which my name appeared, and ask me the same question? We will spend about a night and a half here.

Mr. HOFFMAN. Are you meaning to say that your name did appear on that letterhead?

Mr. FLAXER. I am not saying that. You are saying it.

Mr. HOFFMAN. No; I did not say so. I was just asking whether it did or not.

Mr. FLAXER. No, no. What I thought we came here to do was to see if we can't resolve this strike which has gone on for 4 weeks.

Mr. HOFFMAN. You can bargain collectively for these workers, assuming that you have a majority there now, very quickly by having your local sign the affidavits and, as I get it, that is the only way you will get bargaining.

Mr. FLAXER. That is a matter between the local union and GSI. I don't think that you ought to inject yourself into that situation.

Mr. HOFFMAN. We have no authority over GSI.

Mr. FLAXER. Exactly, precisely what I thought, and I don't understand why you injected yourself in that situation.

Mr. HOFFMAN. Well, sir, maybe you never will.

Mr. FLAXER. I certainly won't.

Mr. HOFFMAN. All right. I will ask you again; Did your name appear on the letterhead of the American League for Peace and Democracy on July 12, 1939?

Mr. FLAXER. The same answer, same reason.

Mr. HOFFMAN. You refuse to answer that, that is.

Mr. FLAXER. I certainly do.

Mr. HOFFMAN. Were you a signer of the statement on the international situation for the same organization as narrated in the New Masses on March 15, 1938, page 19?

Mr. FLAXER. Same answer, same reason.

Mr. HOFFMAN. Were you a member of the National Council of the American Peace Mobilization?

Mr. FLAXER. Same answer, same reason.

Mr. HOFFMAN. Did your name appear in a leaflet entitled, "To the Delegates to the Emergency Peace Mobilization," pamphlet A. P. M.—

Mr. FLAXER. The same answer.

Mr. HOFFMAN. Page 11. That is to say, you refuse to answer.

Mr. FLAXER. I refuse to answer for the same reason.

Mr. HOFFMAN. Were you a member—

Mr. FLAXER. I refuse to answer.

Mr. HOFFMAN. Of the Citizens Committee to End Discrimination in Baseball?

Mr. FLAXER. Do you mind repeating that?

Mr. HOFFMAN. Were you a member of the Citizens Committee to End Discrimination in Baseball?

Mr. FLAXER. Is that a Communist front, too?

Mr. HOFFMAN. How is that?

Mr. FLAXER. The same answer, same reason.

Mr. HOFFMAN. You reject the suggestion of your counsel that time?

Mr. FLAXER. No, sir.

Mr. HOFFMAN. Well, I do not know, the Daily Worker of October 14, 1942, page 6, listed you that way.

Mr. FLAXER. Is that so?

Mr. HOFFMAN. Were you the sponsor of the Committee for Defense of Public Education, American Federation of Teachers, Locals 5 and 537?

Mr. FLAXER. Same answer, same reason.

Mr. HOFFMAN. Were you a member of the delegation which presented Governor Lehman with a protest against intimidation of petition signers, and the barring of the Communist Party from the ballot in New York State, Committee on Election Rights, 1940?

Mr. FLAXER. Sir, I must insist that I cannot answer these questions for the reasons given, and I must insist that these, all of these questions are not getting to the heart of the problem that I thought this committee was trying to solve.

Mr. HOFFMAN. Let me tell you once and for all that it just does not perhaps unfortunately fall within your province to tell the committee what to do, or to lecture the committee, because if the committee oversteps its bounds far enough, its authority, and acts too arbitrarily or unfairly, the Congress can discipline it, do you not see?

Mr. FLAXER. I understand that.

Mr. HOFFMAN. You are not our boss; the Congress is.

Mr. FLAXER. I did not mean it in that way, I am sorry, but I thought—

Mr. HOFFMAN. We will assume for the sake of the record that you just do not agree with what we think our purpose is, or our methods, and you do not need to repeat it all of the time.

Mr. FLAXER. I want to suggest, however, that it would be a worthwhile proceeding if we could get down to the issues of the strike, which is in its fifth week.

Mr. HOFFMAN. It is unfortunate that you cannot guide the committee, but there it is and we will have to go along in our own ignorant way.

Mr. FLAXER. I am sorry, sorry about that.

Mr. HOFFMAN. What do you say as to whether you were a sponsor of the American Peace Mobilization Committee of Greater New York?

Mr. FLAXER. Same answer, same reason.

Mr. HOFFMAN. And whether your name did not appear on their letterhead.

Mr. FLAXER. Same answer, same reason.

Mr. HOFFMAN. Were you a sponsor of the Emergency Peace Mobilization, and were you—

Mr. FLAXER. Same answer, same reason.

Mr. HOFFMAN. Did you have a part in the preparation and circulation of the leaflet, "Mobilization for Peace," Chicago, August 31 and September 2, 1940?

Mr. FLAXER. Same answer, same reason.

Mr. HOFFMAN. Were you a trade union sponsor of the Joint Anti-Fascist Refugee Committee?

Mr. FLAXER. Same answer, same reason.

Mr. HOFFMAN. And a signer of a telegram to President Roosevelt in behalf of the International Fur and Leather Workers Union Defendants, Joint Committee for Trade Union Rights?

Mr. FLAXER. Same answer, same reason.

Mr. HOFFMAN. Were you the signer of an open letter to the mayor of Stalingrad National Council of American-Soviet Friendship—

Mr. FLAXER. What date was that, sir?

Mr. HOFFMAN. For Soviet Russia—well, I do not know what date the letter was. Have you several? How many? Yes. Counsel wants to know if you have written several.

Mr. FLAXER. No; I just wanted to get in my mind clear, maybe I could recall that particular item—

Mr. HOFFMAN. Well, it was an open letter to the mayor of Stalingrad, Soviet Russia—

Mr. FLAXER. Because at that time—

Mr. HOFFMAN. Published under date of June 1943, on page 21.

Mr. FLAXER. June. I see.

Mr. HOFFMAN. Do you remember it now?

Mr. FLAXER. That must have been after—during the war, is that it?

Mr. HOFFMAN. Nineteen hundred and forty-three.

Mr. FLAXER. The same answer, same reason.

Mr. HOFFMAN. That is, were you one of the signers?

Mr. WITT. Excuse us a minute.

Mr. HOFFMAN. Were you the signer of a message to the House of Representatives opposing renewal of the Dies committee?

Mr. FLAXER. It is quite likely.

Mr. HOFFMAN. Were you affiliated with the National Federation for Constitutional Liberties?

Mr. FLAXER. The same answer, same reason.

Mr. HOFFMAN. Were you the signer of an open letter denouncing United States Attorney General Biddle's charges against Harry Bridges and the Communist Party?

Mr. FLAXER. I don't recall.

Mr. HOFFMAN. Were you a signer of the statement hailing the War Department's order on commissions for Communists, praising them for it?

Mr. FLAXER. I didn't get that one at all.

Mr. HOFFMAN. Around March 18, 1945, page 2, you find it in the Daily Worker, signer of a statement praising the War Department's order permitting Communists to have commissions in the Army.

Mr. FLAXER. I do not recall that.

Mr. HOFFMAN. Were you discussion leader at the National Negro Congress?

Mr. FLAXER. I don't remember. Off the bat I would say "No"; but I would not want to be accounted for.

Mr. HOFFMAN. You are forgetting your answer to that one.

Mr. FLAXER. It is getting to be a little monotonous.

Mr. HOFFMAN. You think if we keep on we will get the answer later on?

Mr. FLAXER. I will give you it.

Mr. HOFFMAN. Were you sponsor of the American Committee for Protection of Foreign Born?

Mr. FLAXER. The best answer I can give, I can't recall, sir.

Mr. HOFFMAN. Did you contribute an article to the New Masses in 1943?

Mr. FLAXER. I don't remember.

Mr. HOFFMAN. You are changing it; you are not refusing to answer those. Now, am I right in assuming that in all of the questions except those where you said you do not remember, that you refuse to answer for the reasons which you have given?

Mr. FLAXER. Yes, sir.

Mr. HOFFMAN. Were you not in 1941 a member of the Communist Party?

Mr. FLAXER. I have answered that before, sir.

Mr. HOFFMAN. You refuse to answer that?

Mr. FLAXER. I refuse to answer that for the same reasons.

Mr. HOFFMAN. Did you not in 1941 attend meetings of the Communist Party in the city of New York which were restricted only to members of the party?

Mr. FLAXER. Same answer, same reason.

Mr. HOFFMAN. You refuse to answer.

Mr. FLAXER. Yes.

Mr. HOFFMAN. What would you say as to the statement of John P. Frye, head of the Metal Trades Department, A. F. of L., made in these hearings before a congressional committee that you were known as a Communist—do you deny that?

Mr. FLAXER. I would say the same thing I said about that newspaper article from the Federationist.

Mr. HOFFMAN. It was silly; and you also refuse to answer that question, do you, as to whether you were?

Mr. FLAXER. I say it is a silly remark.

Mr. HOFFMAN. Do you refuse to answer the question as to whether his statement was correct?

Mr. FLAXER. Yes; I do, sir. The same reason.

Mr. HOFFMAN. Do you gentlemen have some questions?

Mr. FISHER. Mr. Flaxer, how many members are there of the union of which you are the president?

Mr. FLAXER. Well, at the CIO convention, at the time of the Boston convention, we had 85,126 members.

Mr. FISHER. Eighty-five thousand; when was that?

Mr. FLAXER. Boston convention was in October 1947.

Mr. FISHER. How many of those reside in the continental United States, approximately?

Mr. FLAXER. I would say about 70,000, perhaps a little less than that.

Mr. FISHER. So approximately 15,000 of your members do not reside in the United States, that is, in the continental United States.

Mr. FLAXER. Yes.

Mr. FISHER. How many of your members reside in the Canal Zone?

Mr. FLAXER. Well, that is the reason I gave you that approximate figure, because we have about 17,000 in the Canal Zone. I was talking about dues-paying members. That is regularly and currently dues-

paying members. Sometimes if they skip a month or two, it is all in terms of a CIO convention that is averaged over a 12-month period.

Mr. FISHER. Do you also have a union in Hawaii, in the Territory of Hawaii?

Mr. FLAXER. We have approximately about between 800 and 1,000.

Mr. FISHER. Members in Hawaii?

Mr. FLAXER. Yes.

Mr. FISHER. Do you have members in any other Territory or any place outside of the United States?

Mr. FLAXER. No.

Mr. FISHER. Only in the Canal Zone and in the Territory of Hawaii, then, is that correct?

Mr. FLAXER. That is correct. Oh, we have a very tiny local in British Columbia.

Mr. FISHER. How many members do you have down there?

Mr. FLAXER. I said a very tiny, it is about 17 or 27 members, thereabouts.

Mr. FISHER. What percent of the members of your union work for the Government, Federal, State, or local?

Mr. FLAXER. Oh, I see. Well, I think I could work it out the other way. Let's see, do you consider the GSI as a Government agency or do you consider it a private corporation?

Mr. FISHER. Well, it has been held to be a private corporation.

Mr. FLAXER. Well, I would say about 10 percent of our members.

Mr. FISHER. Do not work for the Federal Government or State or local governments?

Mr. FLAXER. Right.

Mr. FISHER. In other words, the United Public Workers is a little bit of a misnomer as applied to—

Mr. FLAXER. No, no.

Mr. FISHER. To people in that category.

Mr. FLAXER. No, no. I would like to explain that, if I may. For example, most of the—aside from the cafeteria workers who work in the Federal Government agency cafeterias, the only members of our union who are not connected with the Government are hospital employees, and that is only due to the fact that hospital industry as such is a homogeneous whole, that is, the public and private hospital employees, both in the public and private hospitals, any one locality frequently interchange where there is no civil service. So that for example in the city of Rochester, Minn., we have the hospital employees connection with the Kohler Corp. or the Mayo Clinic, but other than that we have no—

Mr. FISHER. Other than that and the GSI employees.

Mr. FLAXER. I would say they are public employees.

Mr. FISHER. They do not—you regard them as working for the Federal Government?

Mr. FLAXER. Well, certainly GSI, no matter how it squirms about the issues, is a quasi-public agency. There is no question about that.

Mr. FISHER. It may be that you are not fully familiar with the set-up. Mr. Flaxer, but the Government itself has held that they are not; General Fleming has so held that they are not actually working for the Government.

Mr. FLAXER. Except that there are other Government officials who differ with him?

Mr. FISHER. Which ones?

Mr. FLAXER. Well, I would rather not mention names right now; I don't think I ought to bring, if I may, bring other names into the picture, but General Fleming is not the last authority on that.

Mr. FISHER. Well, I would—

Mr. FLAXER. As a matter of fact, sir, GSI itself, before the passage of the Taft-Hartley Act, claimed that it was a Government agency.

Mr. FISHER. We know all about that, and we have gone into that previously.

Mr. FLAXER. Yes.

Mr. FISHER. But you say that you do not care to tell the name of any Government official who takes contrary position to that which I have just stated.

Mr. FLAXER. Well, I am very wary of your question now; what is the implication of that?

Mr. FISHER. That is more or less immaterial anyway; let us go ahead.

Mr. FLAXER. If it is immaterial, all right.

Mr. FISHER. When were you elected president of the UPW?

Mr. FLAXER. At its convention in 1946 at Atlantic City, in April.

Mr. FISHER. At that time two unions merged; did they not?

Mr. FLAXER. Right.

Mr. FISHER. And what was the name of the other union?

Mr. FLAXER. Well—

Mr. FISHER. The one that merged.

Mr. FLAXER. The two unions?

Mr. FISHER. What were the names of the two?

Mr. FLAXER. The United Federal Workers, and the State, County, and Municipal Workers.

Mr. FISHER. And you had been president of one of the others?

Mr. FLAXER. Yes.

Mr. FISHER. What was the name of it?

Mr. FLAXER. State, County, and Municipal Workers.

Mr. FISHER. And at the Atlantic City convention you were elected president of this organization which now has 85,000 members?

Mr. FLAXER. I didn't say now. I said at the time of the Boston convention of CIO.

Mr. FISHER. Approximately how many do you have now, if you know?

Mr. FLAXER. Well, it is rather difficult to tell you now, because we have a regular audit of our membership about every 6 months, so that it would be difficult for me to tell you precisely. I would say it is about the same.

Mr. FISHER. Mr. Flaxer, do you take the position as president of a great union of some 85,000 people, most of whom are working for the Government itself, drawing their salaries from the taxpayers, that it is an invasion of civil liberties for you to be asked whether you are a member of the Communist Party or not?

Mr. FLAXER. I certainly do.

Mr. FISHER. At the Atlantic City convention in 1946, do you recall a resolution that was adopted there regarding foreign policy of this Government?

Mr. FLAXER. I recall it.

Mr. FISHER. Do you happen to have a copy of that——

Mr. FLAXER. No; I don't.

Mr. FISHER. In your files here?

Mr. FLAXER. No; I don't.

Mr. FISHER. What was in brief the content of that resolution?

Mr. FLAXER. Well, I think that——

Mr. WITT. May I interrupt?

Mr. FLAXER. I was going to try to recall, but I think at this hearing it would be better for me not to try to do that.

Mr. FISHER. Here is a newspaper account of it at the time. Let us see if this impresses you as being approximately correct.

The resolution in effect charged the demobilization of American troops throughout the world is being, and this is quoting from the resolution, "deliberately delayed" to further the imperialist ambitions of the United States and Great Britain and to isolate Russia. It called for the immediate withdrawal of American and British troops from all friendly countries, including China, the Philippines, France, Greece, India, Indonesia, Belgium, and Iceland.

Do you recall that provision in the resolution?

Mr. FLAXER. Mr. Chairman, I recall that after the adoption of that resolution in Atlantic City there was an awful lot of distortions of that resolution.

Mr. FISHER. That is a quotation from the resolution that I have just read.

Mr. FLAXER. It is in the press, and I have found a certain amount of distortions that way. I would discuss not only that resolution but any of the policies of our union specifically from the resolutions that we adopted, and, sir, I would challenge you to cite one instance of this union's policies which was inconsistent with the policies of CIO on any matter.

Mr. FISHER. That was not the question I asked. My question was, Do you recall the statement which I have just quoted from your resolution as being substantially correct?

Mr. FLAXER. I would have to say I don't recall, because I would prefer to discuss that resolution in terms of the specific wording of that resolution.

Mr. FISHER. Do you recall that the resolution did condemn what was termed the imperialist ambitions of the United States and Britain in their attempt to isolate Russia? Do you remember those words being used in the resolution?

Mr. FLAXER. I don't remember.

Mr. FISHER. How is that?

Mr. FLAXER. I don't remember.

Mr. FISHER. Does that sound about right? You remember something about the resolution. You were there.

Mr. FLAXER. I would not say that sounded about right.

Mr. FISHER. Were you presiding at the time?

Mr. FLAXER. I was the president.

Mr. FISHER. Do you remember the resolution being offered?

Mr. FLAXER. Sir, we had 400 resolutions presented at that convention.

Mr. FISHER. My question was, Do you remember the resolution pertaining to foreign policy being offered while you were presiding?

Mr. FLAXER. Yes, sir; I remember it.

Mr. FISHER. You remember that.

Mr. FLAXER. Yes.

Mr. FISHER. But you do not recall anything of this kind being included in the resolution?

Mr. FLAXER. Something along that line; I would not say it was precisely what you are saying.

Mr. FISHER. But substantially correct?

Mr. FLAXER. No; I would not say that is substantially correct. I would not say. It may be substantially correct and it may be substantially wrong.

Mr. FISHER. When can you submit to us an authentic copy of that resolution that I refer to?

Mr. FLAXER. It would be a simple matter to send you a copy of it, if you wanted it.

Mr. FISHER. Will you do that?

Mr. FLAXER. Certainly.

Mr. HOFFMAN. I think the committee member would like to have you and the resolution together.

Mr. FLAXER. I would be very happy.

Mr. FISHER. Yes; we might want to go into that.

Mr. HOFFMAN. When can you do that? Let me get that nailed down. When will you do that?

Mr. FLAXER. When do you want this stuff?

Mr. HOFFMAN. We would like to have it, of course, tomorrow morning, by 10 o'clock, if you can have it. Perhaps we can find it over here in the library.

Mr. FLAXER. I see. Well, I am not sure whether I could provide that for you at 10 o'clock in the morning. I might try. I had hoped that we would wind up these hearings tonight.

Mr. FISHER. According to the—do you want to pursue that further?

Mr. HOFFMAN. No; only to say in view of the charges he has made about the good faith and intelligence of the committee, it will take us perhaps longer than that to wind up.

Mr. FISHER. The resolution from which I quoted, which you say sounds familiar, but you are not able to identify exactly, urged that all friendly countries, including China, the Philippines, France, Greece, India, Indonesia, Belgium, and Iceland, that all British and American troops be withdrawn from those countries.

Do you remember in substance that that was included in the resolution?

Mr. FLAXER. I remember this, sir, if I may, at the time I think most of the labor movement here, and the GI's who were stationed in the various islands in the South Pacific and in Europe were clamoring to get home, and I think there was something in that resolution to that effect.

Mr. FISHER. That was in the spring of 1946, was it?

Mr. FLAXER. Yes.

Mr. FISHER. And your resolution was to try to bring the boys home because they were in a hurry to get home?

Mr. FLAXER. I think both we and they wanted that thing to come about.

Mr. FISHER. So the provision, then, in this resolution as it is reported in this newspaper account, which says, "we charged that the demobilization of American troops throughout the world is being

deliberately delayed to further the imperialist ambitions of the United States and Britain, and to isolate Russia," that is a little different reason than the one you give now. You say now it was to get the boys home.

Mr. FLAXER. I was trying to say that the demand in a resolution to get the boys home must have been grounded on that fact. What the exact wording of that was, I can't recall.

Mr. FISHER. Do you recall anything in the resolution condemning the imperialist activities of Soviet Russia? It does condemn the United States and Britain for their imperialist ambition. Do you recall anything being offered condemning the imperialist ambition of Soviet Russia at that time?

Mr. FLAXER. I can't recall.

Mr. FISHER. One man offered an amendment to that effect to the resolution. He was howled down, was he not? Do you not remember that? You were presiding.

Mr. FLAXER. I will tell you what happened there when I was presiding.

Mr. FISHER. Your memory is pretty hazy; go ahead.

Mr. FLAXER. It was not howled down. The man, while I was presiding, everyone had the floor, was given the floor, and had a right to speak and did speak. Now, there were, I think, about two or three people that spoke against the resolution. I think there were about two dozen who spoke for it. So far as I can recall, none of the elected officers or those who were elected later on were participating in the debate.

Mr. FISHER. I will quote here briefly from an editorial that appeared in the Washington paper at the time. It said:

We should like to tap the administration and Congress on the shoulder—and calls attention to what appears to have been a—

successful effort by our Stalinist friends to gain complete control of the new United Public Workers of America, and to exploit it in the interests of the Communist Party line.

Quoting further:

The convention, for example, called upon the United States to cease its recent policy of attempting to isolate the Soviet Union in the UN and world affairs.

Mr. FLAXER. May I know from what you are reading?

Mr. FISHER. I think this is the Washington Post.

Mr. FLAXER. Well, do you think, sir—

Mr. FISHER. Just a moment. I will finish this.

Mr. FLAXER. Do you think it is fair to read the comments of these newspapers on that?

Mr. FISHER. I want your comment on it. You can disagree if you want to.

Mr. FLAXER. No; I would not comment on that. If I were to try to comment on the various—

Mr. HOFFMAN. Will you wait until he finishes, please?

Mr. FISHER. This may not be so bad after all. Let us see how it sounds:

* * * and demanded that the administration not only withdraw American troops from all friendly countries, such as China, the Philippines, France, Belgium, and Iceland, but also that it call upon the British to withdraw from Greece, India, and Indonesia.

Were you also interested at that time not only in getting our boys home, but trying to help the British to get their boys home at the same time?

Were you impelled by the same motives in putting that in the resolution?

Mr. FLAXER. When you say, "You," to whom are you referring?

Mr. FISHER. You were president of the UPWA.

Mr. FLAXER. Wait a second.

Mr. FISHER. How is that?

Mr. FLAXER. You know this was a convention resolution. This was a resolution adopted by my organization; 600 delegates were present there. I stand by the things that they adopted. But they are not my personal opinions or positions or necessarily so.

Mr. FISHER. Well, do you disagree then with the resolution?

Mr. FLAXER. That is not the point, sir.

Mr. FISHER. No; my question is, Do you disagree with the resolution?

Mr. FLAXER. I stand by any policy our national organization—

Mr. HOFFMAN. Listen, Mr. Flaxer, he is asking you for your personal opinion, regardless of what the organization did. That is all he is asking you for at the moment.

Mr. FLAXER. I thought as far as my personal opinions on these matters were concerned, that I have already made my answer to that.

Mr. FISHER. You just stated, Mr. Flaxer, in answer to my question, that that might not necessarily be your opinion, as I understood your answer.

Now, my question is was it or was it not—

Mr. FLAXER. No, no.

Mr. FISHER. In accordance with your views, the resolution?

Mr. FLAXER. I think that is entirely irrelevant.

Mr. HOFFMAN. That is for the committee to decide.

Mr. FLAXER. Because as the president of this union, my views on these matters or that is the views of the organization become my views.

Mr. FISHER. All right. Then you refuse to answer whether that is your personal view, those are your personal views.

Mr. FLAXER. No, no, I will say that the views of my organization become my views on these matters.

Mr. FISHER. All right. Quoting further:

An effort to amend this resolution so that it would also call for the withdrawal of Russian troops from Poland and other friendly countries in Europe failed. The report by the officers of the United Federal Workers approving and urging the merger with the UCMWA also took occasion to attack both the Administration and Congress for carrying out a program of aggressive imperialism in foreign affairs—

and so forth.

Do you ever read the Newsweek magazine?

Mr. FLAXER. Occasionally.

Mr. FISHER. Do you regard it as a good publication, a respectable publication?

Mr. FLAXER. I don't think I ought to comment on that, sir.

Mr. FISHER. Reasonably accurate, ordinarily, is it not?

Mr. FLAXER. I don't know.

Mr. FISHER. You don't know?

Mr. FLAXER. No.

MR. FISHER. Let me see if you agree with this statement. This is in the June 2, 1947, issue, title of the article "What Communists Are Up To."

MR. FLAXER. May I—

MR. FISHER. Just a moment. Let me—

MR. FLAXER. May I consult with my attorney?

MR. FISHER. I will ask the question, and then you talk to your two lawyers. You have two attorneys, do you not, by the way, Mr. Witt, and who is the other?

MR. WITT. Mr. Forer.

MR. FORER. Is there anything wrong with that?

MR. FISHER. Are you implying—are you the same Mr. Forer that defended Gerhart Eisler?

MR. WITT. I must object to that. Mr. Forer is here as a lawyer, a member of the Bar of the District of Columbia, and it is none of your business.

MR. HOFFMAN. Just a moment. Wait a minute. You sit down. Take him outside. He need not sit here any more.

MR. WITT. I am here as Mr. Flaxer's counsel.

MR. HOFFMAN. You are all through in here, when you begin to tell the committee what its business is.

MR. WITT. I don't think Mr. Fisher has any right to attack Mr. Forer on the basis of his professional association.

MR. HOFFMAN. Step him out.

MR. WITT. You can take me out, but that will still be the case.

MR. HOFFMAN. You are excused. Go on.

MR. FISHER. This article—

MR. HOFFMAN. Wait until he gets out.

Any attorney who wants to make a statement, any attorney who comes in here and conducts himself properly, and not insult members of the committee, is welcome to stay, but anyone—

MR. WITT. May I say something on that?

MR. HOFFMAN. Put him out. Anyone who commences to make false charges against the committee is not going to have the courtesy of the committee. There is a limit to what we will take.

MR. FORER. May I address myself to your remarks?

MR. HOFFMAN. Yes, sir, you may.

MR. FORER. I think that counsel has an obligation to be courteous to the committee, but I think the committee has certain obligations as well, and I think that one of the obligations, and I am saying this with all due deference to this committee, a committee of Congress, one of those obligations is that when a man has counsel of his own choosing, they not smear that counsel, particularly now.

You attempted to draw an implication by that remark, Mr. Fisher, and I want to state my personal resentment at that.

MR. FISHER. Do you resent having your clients named?

MR. FORER. I am proud of the people I am attorney for?

MR. FISHER. What are you howling about?

May I proceed with my questions?

MR. HOFFMAN. I will give you ample time shortly, when Mr. Fisher is finished.

MR. FISHER. The article that I referred to, Mr. Flaxer, that we were interrupted on here a moment ago, "What Communists Are Up To—

Intrigue and Infiltration by a Few Party Members Using Many Patterns." And in the story it refers to the 15 CIO unions controlled by the Communists or fellow-travelers, and among those is listed the United Public Workers of America, membership, 50,000, and they had listed, that was as of June 2, apparently their figures were not accurate according to your statement, although your reference was to last fall, in October, was it not?

The UPWA was formed in amalgamation of the State, County, and Municipal Workers and the Federal Workers of America. The president is Abram Flaxer, who had been president of the former. The secretary-treasurer is Eleanor Nelson, who had been president of the latter. Flaxer and Miss Nelson both are inveterate party-liners. Characteristically at its organizing convention, the union denounced all forms of imperialism, except the Russian.

Do you agree that that is a substantially accurate report in News Week as of June 2, 1947?

Mr. FLAXER. May I talk to my counsel?

Mr. FISHER. Yes.

Mr. FLAXER. Have you got more of that stuff to read, Mr. Fisher? I don't want it read back. Just a minute. I was just asking whether you had more of that kind of material to read.

Mr. FISHER. I will get around to that later.

Mr. FLAXER. Because I might just as well sit down and listen to all of the stuff you have asked, and my answer would merely be to advise you again that the very things that I was worried about with regard to this committee are obviously coming to pass.

Mr. FISHER. My question—

Mr. FLAXER. It seems to me, sir, if I may, it seems to me that you are reading out of newspaper stories, magazine articles, all for the purpose of creating a red-baiting atmosphere, so that if there is any hope at all of trying to solve and settle this strike that is going on today, that that possibility would be broken.

Mr. FISHER. Mr. Flaxer, do you not think—

Mr. FLAXER. And you are asking that kind of stuff in the same way—

Mr. FISHER. Do you not think—

Mr. FLAXER. That every other employer does.

Mr. FISHER. Do you not think it is of some interest to this committee and to the country, and all that may be interested in the labor-union movement, that we know something about this UPWA, a party to this strike, and who their officers are?

Mr. FLAXER. I don't think so. I don't think so.

Mr. FISHER. You don't think so?

Mr. FLAXER. No. I think—

Mr. FISHER. We may disagree on that.

Mr. FLAXER. I think that every membership organization is for and of and by its members. It is their interest.

Mr. FISHER. My question was do you agree or not that the statement I read from News Week is substantially correct?

Mr. FLAXER. I must admit that the committee is very provocative.

Mr. FISHER. Will you answer my question?

Mr. FLAXER. Yes. I think that article is an extremely nonsensical article. It has the figures of our membership wrong, and a lot of other facts.

Mr. FISHER. You disagree that the membership figures are correct. Do you or do you not agree that the balance of it, of the article, is substantially correct?

Mr. FLAXER. I will refuse to answer that question.

Mr. FISHER. That is all.

Mr. HOFFMAN. For the reasons you have given.

Mr. FLAXER. For the reasons that I have given.

Mr. HOFFMAN. If I may, you wanted to say something, Mr. Forer, about the question that Mr. Fisher was asking.

Mr. FORER. Yes; I would like to make some remarks on that. I will be brief.

But it seems unfair to me, in the first place, Mr. Chairman, that when you give me the opportunity to make those remarks, Mr. Fisher interrupts me before I can state my position.

Mr. FISHER. I am sorry.

Mr. FORER. What is more, Mr. Fisher asked me a question, and I attempt to answer it; he stops me.

Mr. HOFFMAN. Very well. Get down to it, why you think his question as to whether you were attorney for a certain individual was improper. That is what I think provoked the discussion.

Mr. FORER. It is none of Mr. Fisher's business who I am attorney for, and I am here representing Mr. Flaxer, and his question as to whether I am attorney for somebody else was simply done, and the only possible purpose for it, and Mr. Fisher knows it, was to make an invidious connotation for Mr. Flaxer, and an invidious reference to me.

I don't know, Mr. Fisher, whether you are an attorney or not. May I ask if you are?

Mr. FISHER. Yes; I am a member of the bar.

Mr. FORER. If you are a member of the bar, all I can say is that you know that is an improper——

Mr. FISHER. I have never been ashamed to admit whom I represent; I have never been insulted by anybody asking whom I represent.

Mr. FORER. You must know that it is not the business of this committee. I can represent anybody I want, so long as I do it ethically.

Mr. FISHER. Has anyone questioned that right?

Mr. FORER. It is not your business whom I represent. It is not the business of a congressional committee, and I object to your attempting to make it your business; yes.

Mr. FISHER. You object to my identifying you in that way, and by naming one of your clients?

Mr. FORER. You do not identify me by naming one of my clients, and you know that very well.

Mr. FISHER. You are so proud of him. I did not know that you were sensitive on that subject.

Mr. FORER. I am proud of the cases I handle, and you do not identify me by naming any particular client, any more than I would do that to you. As attorney, I consider that your conduct is unethical.

Mr. HOFFMAN. That is up to the local bar again. The trouble is, all of the time there are so many of the witnesses—let me go ahead, Mr. Fisher—so many of the witnesses and their counsel assume to discipline the committee, which is a prerogative of the Congress and of the newspapers, which give us plenty of criticism.

Mr. FORER. It is also not the prerogative of the committee to discipline. The committee has no prerogative to discipline private individuals.

Mr. HOFFMAN. We are not trying to, we have no authority to do so, and we make no such claim.

Let me tell you about this. You see, the Congress wrote the Taft-Hartley Act, and in its wisdom or unwisdom it put in certain requirements that must be complied with by labor organizations.

The Congress assumed that organized labor as a group wanted the right of collective bargaining, and the unions asked to have that right made available to them, and to have a law which would force employers to bargain collectively, and so we passed the Taft-Hartley Act, and we put certain conditions in there, one of which was designed to squeeze Communists out of labor organizations. Because again the Congress, acting for the people it represents, thought that is what the people wanted, and that is what they had a right to do.

Now, there comes this question of this union calling a strike here, which it had a right to do. The union tries to bargain collectively with the employer and the employer refused to do that, on the ground, one of the grounds, anyway, that the union officials refused to deny that they were Communists.

We all know that the employer had that right to refuse. One of the things that the committee was interested in learning was by what authority the Government itself closed two of those cafeterias and thus discriminated against the people who wanted to work there, thus deprived the people who use the cafeteria from obtaining service there.

Mr. FORER. Why don't you ask the people that closed it, then? If I wanted to find out what authority a person had to close the Supreme Court cafeteria, Mr. Chairman, I would ask the person that closed the Supreme Court cafeteria.

Mr. HOFFMAN. We have already done that.

Mr. FORER. You will not find it out from Mr. Flaxer——

Mr. HOFFMAN. But we want to ascertain——

Mr. FORER. Or from me.

Mr. HOFFMAN. We wish to ascertain among other things whether the employer was justified in its assumption that this union, the union officers, were Communists or not.

They have refused to sign a statement that they do not belong to an organization which advocates the overthrow of the Government by force. And so it is part of the business of this committee to ascertain among other things the truth or the falsity of that charge, and then to get down to the question of the attorney, if this man refused to deny whether or not he is a Communist, if you as his attorney advise him—and you have been advising him with the other gentleman here right through the hearing—if you advise him that he should not answer, as we assume that you may, if he follows your advice, then we have a right to know, I think, whether or not you are defending Communists, not these particular people alone, but others along down; if you are making a specialty of defending Communists.

I am a lawyer, I practiced for 40 years. I have never denied, and I have no intent to deny my relationship with my clients, if I had I would not take the cases. If you are ashamed of it, that is all right. If you just say it is none of our business, that is your opinion.

Mr. FORER. I am not ashamed of any case that I am in, and it is none of your business. Suppose we leave it there.

Mr. HOFFMAN. That is what you say.

Mr. FLAXER. Let us proceed.

Mr. SMITH. In 1939, did you sue somebody for libel when you were president of the A. W. P. R. A.?

Mr. FLAXER. I really can't remember. I really don't remember whether I sued anybody or anything.

Mr. SMITH. Well, it seems to me if I sued for libel——

Mr. FLAXER. Pardon——

Mr. SMITH. I would remember it.

Mr. FLAXER. 1936.

Mr. SMITH. Rossi; was Mr. Rossi your attorney?

Mr. FLAXER. Who?

Mr. SMITH. Leopold Rossi.

Mr. FLAXER. No.

Leopold Rossi is an attorney, or used to be an attorney for a civil-service organization in New York, called the Civil Service Forum, was never our attorney.

Mr. SMITH. And you do not know whether he was an attorney for the defendant in that case or not?

Mr. FLAXER. Well, I don't recall that I ever sued anyone, so I don't know who the defendant was, or who his attorney was.

Mr. SMITH. Your name is Abraham Flaxer, is it not?

Mr. FLAXER. Correct.

Mr. SMITH. Do you know of any other Abraham Flaxer up in New York that has been around suing people for libel?

Mr. FLAXER. No.

Mr. SMITH. And if the Supreme Court of New York has Abraham Flaxer in there where he sued a man for libel and this Leopold Rossi was the defendant's attorney, you do not think you are the man?

Mr. FLAXER. I don't think I am the man.

Mr. SMITH. Who is president of the union in Panama, your union down in Panama?

Mr. FLAXER. The president?

Mr. SMITH. Yes.

Mr. FLAXER. Of the union?

Mr. SMITH. Yes.

Mr. FLAXER. A chap by the name of Oraz.

Mr. SMITH. Oraz?

Mr. FLAXER. Oraz. He is a Panamanian citizen.

Mr. SMITH. Panamanian citizen.

Mr. FLAXER. I believe; yes.

Mr. SMITH. And how many of the members of that union of yours down in Panama are American citizens?

Mr. FLAXER. That I don't know, sir.

Mr. SMITH. How long since you have seen this Oraz?

Mr. FLAXER. I haven't seen him at all.

Mr. SMITH. Never have seen him; never have seen him?

Mr. FLAXER. Never saw him.

Mr. SMITH. Who do you correspond with down there?

Mr. FLAXER. Well, I normally correspond with the international representatives that the union sends down there.

Mr. SMITH. What do you mean, the international; is that an international union of UPW?

Mr. FLAXER. The national union, as you call it. The national union, that is just nomenclature. The national organization.

Mr. SMITH. The UPW.

Mr. FLAXER. United Public Workers of America is a national union, and we have national representatives that we send from the national office to various parts of the country where we try to organize. And it is with these people primarily that I correspond unless the local officials want to correspond with me about matters that they want to learn about, or whatever else.

Mr. SMITH. Have you had occasion to do much corresponding with that Panamanian local?

Mr. FLAXER. In the early days when it, I did, but—

Mr. SMITH. Have you seen any representative of that local within the last 6 months?

Mr. FLAXER. Well, I don't know what you mean by representatives of the local.

Mr. SMITH. Some of their local officers.

Mr. FLAXER. No.

Mr. SMITH. Have you ever seen any of them?

Mr. FLAXER. No.

Mr. SMITH. And all you know about your local down in Panama is by correspondence?

Mr. FLAXER. Yes; not only by correspondence—we get reports from the local.

Mr. SMITH. I mean by some form of communication.

Mr. FLAXER. No, no; we have our own representatives there. I was trying to tell you that we have field men whom we sent down there and who stay there from time to time.

Mr. SMITH. Then they come back and report to you?

Mr. FLAXER. They come back, yes; they report to me as president; they might report to the national executive board.

Mr. SMITH. How long since one of those men came up and reported to you?

Mr. FLAXER. Well, last man that came up, last report made to the executive board was made in, I guess, last August.

Mr. SMITH. Last August?

Mr. FLAXER. Yes.

Mr. SMITH. Were you president when he made his report?

Mr. FLAXER. Yes; certainly.

Mr. SMITH. What did he say when he came back about the Panamanian Government going to make the United States take all of their airfields—get them back into the Canal Zone?

Mr. FLAXER. He said nothing about it, sir.

Mr. SMITH. Did he not say anything about it?

Mr. FLAXER. Of course not.

Mr. SMITH. Did you have any members in your union out on those dozens of airfields scattered around over Panama?

Mr. FLAXER. I don't think we have any members in the interior. Most of our members are just on the Isthmus.

Mr. SMITH. On the Isthmus?

Mr. FLAXER. Yes.

Mr. SMITH. How many do you have—employees do you have or members do you have in Guam?

Mr. FLAXER. We have none, sir.

Mr. SMITH. How many members of your union do you have in Europe at this time?

Mr. FLAXER. What do you mean by that? I don't quite understand.

Mr. SMITH. I mean members of your organization.

Mr. FLAXER. In the armed forces?

Mr. SMITH. That are in it working for some civilian capacity over with the Army, and over in Germany or Austria or France?

Mr. FLAXER. I really don't know of any.

Mr. SMITH. What is your best judgment?

Mr. FLAXER. I would say none is my best judgment, unless the members of our union who were in the armed services still are staying there, but they would be members who would not be paying dues; we exonerate those who are in the service.

Mr. SMITH. You do not think any of the five or six thousand—the civilian employees in Europe—are members of your union?

Mr. FLAXER. I would say I doubt it very, very much if any of them are members of our union.

Mr. SMITH. Do you think that a Government employee has a right to strike against the Government?

Mr. FLAXER. Well, our union passed a law.

Mr. SMITH. That is not what I asked you. I asked you whether an employee of the Government has a right to go out on strike to enforce some demand against his Government.

Mr. FLAXER. Well, I told you before, sir, that the policies of our own international union or national union on these matters are my policies, and become my opinions, the policy of this union is that it is illegal to strike against the Federal Government; that therefore becomes my policy, and my opinion. Have I made myself clear?

Mr. SMITH. There is a law against it, too.

Mr. FLAXER. Of course, but that was our policy before the law was passed.

Yes; I indicated that the Taft-Hartley Act has a special provision which prohibits Federal employees from striking against the Federal Government, but we had such a policy before that law was passed.

Mr. SMITH. You do not think that is an inherent right in the individual to strike against his Government?

Mr. FLAXER. Well, I am not, I don't think we—that is certainly not an inherent right, no. No; it is not an inherent right.

Mr. SMITH. Did you confer with Secretary Schwollenbach?

Mr. FLAXER. Pardon?

Mr. SMITH. Have you conferred with Secretary Schwollenbach 2 or 3 days ago?

Mr. FLAXER. That—yes; that is a matter of public record.

Mr. SMITH. Who was with you at that meeting?

Mr. FLAXER. I guess I have to answer these questions.

Mr. SMITH. No, no; you do not have to answer anything, just give us that old stock phrase.

Mr. FLAXER. I just don't know that there are certain things that I would be revealing confidence.

Mr. SMITH. I do not want you to reveal any state secrets about Mr. Schwellenbach; if you do not want to answer it, just skip it.

Mr. HOFFMAN. Let us find out who told him. You are asking about who visited him.

Mr. FORER. Have you withdrawn the question, General Smith?

Mr. HOFFMAN. Pardon me. Go ahead.

Mr. FLAXER. If you still insist on an answer, I will give it to you.

Mr. SMITH. I will not insist on anything. You will be answering that question—you do not need to answer that question at all.

Mr. FLAXER. I just want to be understood. I am not refusing to answer that question.

Mr. SMITH. I understand that.

Do you know a man by the name of Budenz? Does that word mean anything to you?

Mr. FLAXER. I know of him.

Mr. SMITH. How?

Mr. FLAXER. Certainly, that word means something to a lot of people who read the newspapers.

Mr. SMITH. Have you ever had any acquaintance with him?

Mr. FLAXER. Well, now, that again; I could answer that question directly, sir, but I think that again falls into the category of questions which on principles—as a principle matter I refuse to answer.

Mr. SMITH. The man I am talking about is a professor up here in one of the New York universities, professor of economics.

Mr. FLAXER. Why do you want me—are you asking whether I know certain professors of economics; is that it? I mean, is that the reasons?

Mr. SMITH. I asked you whether or not you knew Louis Budenz, and you said that you did not want to answer it.

Now, that is sufficient.

Mr. HOFFMAN. Has he refused to answer?

Mr. SMITH. He just said that falls in that category; that when he waves his hand and gives that long general statement——

Mr. HOFFMAN. You mean you refuse to answer?

Mr. FLAXER. Well, I indicated that; that that particular answer falls in that general category, of course.

Mr. HOFFMAN. Do you refuse to answer whether you know the gentleman he named?

Mr. FLAXER. Yes; I do.

Mr. SMITH. Did you make any speeches against Russia?

Mr. FLAXER. It is possible.

Mr. SMITH. How?

Mr. FLAXER. It is possible.

Mr. SMITH. Tell me one place where you made a speech.

Mr. FLAXER. I would rather make the same answer as before.

Mr. SMITH. I see. That is all.

Mr. HOFFMAN. Mr. Klein.

Mr. KLEIN. Mr. Flaxer, you have said that you are interested in settling the strike and so am I. That is why I am here.

I am inclined to agree with you that the questions as to your political beliefs or whether you are a member of any so-called Communist-front organization may be irrelevant, but I want to ask you a couple of questions.

Mr. HOFFMAN. Right there—but you will concede the right of the committee to ask?

Mr. KLEIN. Yes, and he has a right to refuse to answer these questions.

Mr. HOFFMAN. That is for the court to determine later on.

Mr. KLEIN. Your union has refused to sign the non-Communist affidavit; is that not so? Let us take this particular local first. What is the number? 471?

Mr. SMITH. 471.

Mr. FLAXER. The local union has so far refused to comply with the Taft-Hartley provisions.

Mr. KLEIN. I am talking specifically of the provision which provides for the filing of this so-called non-Communist section.

Mr. FLAXER. Yes.

Mr. KLEIN. They have not availed themselves of that particular section.

Mr. FLAXER. Yes.

Mr. KLEIN. Is that a policy of the national organization?

Mr. FLAXER. Well, I guess I have to answer you as I did before on this particular question; that is, it is the policy of all CIO unions to try to fight the repressive character of the Taft-Hartley law to the end of its being repealed.

However, the question of signing or not signing the affidavits are left to the various international unions. Our international union does not fall within the provisions of the Taft-Hartley Act. Only some of our locals may, I doubt whether any do, insofar as those locals are concerned, they have local autonomy.

Mr. KLEIN. In other words, there is no policy regarding the national organization, you leave it up to any particular local?

Mr. FLAXER. No more than as a general policy of the CIO.

Mr. KLEIN. Are you prepared to tell this committee or me as to the reasons why this local did not sign and file that particular affidavit?

Mr. FLAXER. I think that you could get that answer a little bit better from the local union officers.

Mr. HOFFMAN. Do you want the local union officers to answer that?

Mr. KLEIN. Whenever you call them I will talk to them.

Mr. HOFFMAN. All right.

Mr. KLEIN. It is a fact, is it not—

Mr. FLAXER. The only comment that I would make, the reason why I suggested that you talk to the local officers, is that they might give you a more authoritative and definitive answer to that.

Mr. KLEIN. Either you or the national organization has not advised the officials of this organization.

Mr. FLAXER. I would not say that; I believe we have discussed the problem.

Mr. KLEIN. You did not tell them not to do it or to do it?

Mr. FLAXER. What they will do on that matter or what they have done was entirely the result of their membership's wishes. I attended several of their membership meetings.

Mr. KLEIN. That is an answer. I am trying to help you, and now do not make a speech.

Mr. HOFFMAN. This is Mr. Klein, you know. I know he wants to help you. He is not a member of the subcommittee, but he is a mem-

ber of the full committee, and he does not come under that description your attorneys have given here.

He really wants to be helpful to you, because he is your friends.

Mr. FLAXER. The point I want to make is that I want some assistance from this committee to help solve the present strike, sir.

Mr. HOFFMAN. And Mr. Klein is trying to help you.

Mr. KLEIN. That is my purpose here. I do not have any views and it does not interest me what your ideology may be, and what organization you may belong to and what your politics may be.

I want to see if I cannot settle this strike, because I think it is a very praiseworthy effort, and I think that you will agree with me on that.

Is it true that Mr. Philip Murray, who is the head of the CIO, and also the president of the Steel Workers Union has also taken the position that his union will not sign and file this so-called Communist affidavit?

Can you mention any other large unions to me which have taken the same position?

Mr. FLAXER. The United Electric and Radio Workers and the United Mine Workers have, just to mention three of the largest unions in the country, and the Typographical Union has.

I understand that when Secretary Schwellenbach was testifying before this very committee, he indicated that he sent out about 67,000 forms for the filing of affidavits, and he only received about 10,000, which means that there is a vast majority who have not signed.

Mr. KLEIN. You have stated that that is because at least with regard to the CIO, it is a general policy to bring out the bad features of the Taft-Hartley Act, so that a drive may be made to repeal the act?

Mr. FLAXER. I would not put it that way. The CIO is opposed to the law because of its restrictive character. The CIO does not feel that there are any benefits to be gotten from the National Labor Relations Board as it is now constituted under the act.

Mr. HOFFMAN. You would favor the repeal of the act?

Mr. FLAXER. Most definitely so.

Mr. HOFFMAN. The whole thing, the Taft-Hartley Act; is that right?

Mr. FLAXER. Yes.

Mr. HOFFMAN. That would leave you back without any labor law.

Mr. FLAXER. With some analysis of this present labor law, our view is that we have been thrown back 50 years.

Mr. HOFFMAN. Do you think that that is far enough?

Mr. FLAXER. It is a bit too far today.

Mr. HOFFMAN. Pardon me, Mr. Klein; go ahead.

Mr. KLEIN. Now, I think that the Solicitor for the Labor Department testified, and I believe the general counsel for the National Labor Relations Board testified before this committee, and I can only judge from what I saw in the newspapers, and they testified that there is nothing in the law which would prohibit an employer from bargaining with an employee's group regardless of whether they signed this or not; is that correct?

Mr. FLAXER. That is entirely correct.

Mr. KLEIN. So that you take the position that the failing to file this simply means that you do not subject yourself to the jurisdiction of the National Labor Relations Board; is that correct?

Mr. FLAXER. That is correct.

Mr. HOFFMAN. Your failure to sign fixes it so that you cannot force the employer to bargain with you; does it not?

Mr. FLAXER. I do not think that signing will force the employer to bargain with us.

Mr. HOFFMAN. If you had a majority, it would.

Mr. FLAXER. We have a majority today.

Mr. HOFFMAN. I said if the Labor Board certified your union, or if the Labor Board certified that 471 was a representative bargaining agent of the local, then the employer would have to bargain; would it not?

Mr. FLAXER. It might.

Mr. HOFFMAN. You know it would, do you not?

Mr. FLAXER. I do not.

Mr. HOFFMAN. Do you not know that they can get a court order, and hold them guilty of an unfair labor practice if they did not?

You know that, and what is the use of quibbling about it?

Mr. FLAXER. No, because bargaining with GSI at present doesn't necessarily mean a peaceful conclusion. We have gone through bargaining with GSI for a number of years now.

Mr. HOFFMAN. I did not say anything about GSI; the question I asked you was if you did not know that if you had an election and the Labor Board certified that your union or 471 represented the workers, then GSI would have to bargain with you under the law.

Mr. FLAXER. Yes.

Mr. HOFFMAN. Sure; but you do not care to follow that road.

Mr. FLAXER. But we are already the collective bargaining agent there, and we have been for 10 years.

There is no question of representation there except as it was forced upon us by GSI.

Mr. HOFFMAN. You will admit that you cannot force GSI to bargain, legally?

Mr. FLAXER. Yes.

Mr. HOFFMAN. So you have appealed to the President, and you have tried it that way.

Mr. FLAXER. What's wrong with that?

Mr. HOFFMAN. Nothing. I said that you have tried it.

Mr. FLAXER. I have.

Mr. HOFFMAN. And you have not succeeded; have you?

Mr. FLAXER. So far, I have not, and I am afraid that this committee has frightened a lot of people off.

Mr. HOFFMAN. Mr. Schwellenbach and the President, you mean.

Mr. FLAXER. I am very much concerned about that.

Mr. HOFFMAN. They may not like it, now.

Will you tell me of any reason that you know of as to why the officers of 471 should not sign affidavits that they are not members of or that they do not support an organization that believes in or teaches the overthrow of the United States Government by force?

Mr. FLAXER. I would like to talk to my lawyer.

Mr. HOFFMAN. Wait a minute. Do you want to consult your counsel on that to find out?

Yes; you consult him if you have to do that on that question.

Mr. FORER. I think that he ought to be allowed to choose his own time for consulting counsel without invidious remarks.

Mr. HOFFMAN. Never mind the remarks, now.

Mr. FLAXER. I would like to hear that question repeated.

Mr. HOFFMAN. Read the question.

(The pending question was then read.)

Mr. FLAXER. I am in no position to know any reason. If they want to sign petitions, they can go ahead and sign petitions.

Mr. HOFFMAN. Do you believe in a party or organization which advocates the overthrow of the Government by force?

Mr. FLAXER. Do I believe in a party—you mean a political party?

Mr. HOFFMAN. I do not care whether it is a political party or fraternal organization or just the Sons and Daughters of I Will Arise.

Mr. FLAXER. I don't believe in the overthrow of the Government by force and violence, if that is the question.

Mr. HOFFMAN. And you would not give support to any such organization, would you?

Mr. FLAXER. I would not and I have not.

Mr. HOFFMAN. And you would—does that mean that you are not a member and never have been a member of the Communist Party?

Mr. FLAXER. That question I refuse to answer.

Mr. HOFFMAN. You are getting awful close to an answer to it.

My associate suggests this question: Do you know whether the Communist Party advocates the overthrow of the Government by force?

Mr. FLAXER. I am no authority on that, sir.

Mr. HOFFMAN. Well, now, I will ask this question; You know all Federal employees, it is my information, or all Members of Congress must take an oath without any mental reservations whatsoever that they will support the Constitution of the United States, and all Federal employees, Mr. Klein says, too.

Have you any objection to that oath being taken by Members of Congress or Federal employees?

Mr. FLAXER. Of course not.

Mr. HOFFMAN. Then what is your objection to the signing of an oath?

Mr. FLAXER. I have suggested to GSI that in order to expedite collective bargaining that the officers of 471 sign an identical oath with the oath that Federal employees sign, a loyalty oath.

Mr. HOFFMAN. Have you ever suggested to them that they sign this oath required by the Taft-Hartley Act?

Mr. FLAXER. No.

Mr. HOFFMAN. Would you suggest that they sign an affidavit that they are not members of an organization which advocates the overthrow of the Government by force?

Mr. FLAXER. Certainly.

Mr. HOFFMAN. Well, that is part of that oath.

Mr. FLAXER. I have suggested that they sign such an oath.

Mr. HOFFMAN. You do not know why they do not do it, then?

Mr. FLAXER. GSI does not want to accept that oath; the employer.

Mr. HOFFMAN. I am talking about this oath; I just asked you about this one that is on page 12 of the Taft-Hartley Act.

Mr. FLAXER. You mean the Taft-Hartley affidavit.

Mr. HOFFMAN. And that he does not believe in or is not a member of or supports—

Mr. FLAXER. That is not the wording of the affidavit so much, Mr. Chairman, that we object to, and that the labor movement objects to, it is the Taft-Hartley Act itself, and any provisions thereof.

Mr. HOFFMAN. Assuming that these people in the back of the room are interested as former employees of the GSI, the thing that is preventing them going back to work is the refusal of these officers of 471 to sign?

Mr. FLAXER. That is not the reason they cannot go back to work. That is the reason that GSI claims they cannot go back to work.

Mr. HOFFMAN. And no matter what the claims are, the officers just will not sign it, will they?

Mr. FLAXER. I did not say that.

Mr. HOFFMAN. They have not up to date. I think that that is all right; and I want to hear one gentleman here that was coming in, if you will let him come in, and then we will start tomorrow morning at 10 o'clock.

Mr. FLAXER. Do you want me back at 10 o'clock?

Mr. HOFFMAN. Yes; and if you will bring that resolution—if you can find it.

Do you solemnly swear in the matter before us to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MITCHELL. I so swear.

TESTIMONY OF CLARENCE MITCHELL, NATIONAL LABOR SECRETARY, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, WASHINGTON, D. C.

Mr. HOFFMAN. Your first name is Clarence?

Mr. MITCHELL. Clarence Mitchell; that is correct.

Mr. HOFFMAN. And you hold what position with the National Association for the Advancement of Colored People?

Mr. MITCHELL. I am the national labor secretary.

Mr. HOFFMAN. And you had a conference, did you, with Mr. Fleming, or did you write him a letter?

Mr. MITCHELL. My communication was a letter to Mr. Fleming.

Mr. HOFFMAN. Have you that letter or a copy of it?

Mr. MITCHELL. I have a copy of a similar letter which I addressed to all of the members of the cabinet, which I will be glad to submit for the record if you wish.

Mr. HOFFMAN. And in that letter—and we will take the letter and receive it in evidence if you wish, and mark it as exhibit 2.

Mr. MITCHELL. I would like to hold it until I finish my testifying.

Mr. HOFFMAN. That is all right.

(The letter above referred to was marked "Exhibit No. 2" and filed for the information of the committee.)

Mr. HOFFMAN. In that letter did you urge the cafeterias involved in this strike be closed?

Mr. MITCHELL. That is correct, Mr. Chairman.

Mr. HOFFMAN. May I have that letter a moment?

Mr. MITCHELL. Certainly.

Mr. HOFFMAN. We asked you to come because we wanted you to have full opportunity to put your views on the record.

Mr. MITCHELL. Certainly.

Mr. HOFFMAN. Now, the part that I am interested in is this—and I do not find it in the letter—that the vast majority of the cafeteria employees in the strike are Negroes, and then your letter charges that the real problem in the dispute is racial rather than economic.

Mr. MITCHELL. I think that you will find that on the first page, and the first paragraph.

Mr. HOFFMAN. Now, the vast number employed were Negroes, before the strike.

Mr. MITCHELL. The vast number of persons involved in the strike; and by the way, Mr. Chairman, is this thing an amplifier—and I just want to make sure about it.

Mr. HOFFMAN. That is the gentleman right back of you who could tell you.

Mr. MITCHELL. I did not want to talk into it if I am not doing any good so far as the rest of the audience is concerned.

I think, Mr. Chairman, that this thing which is dragged on and going into its fifth week now is a situation that is a real disgrace to the Nation's Capital, and I think any of you gentlemen who sit here in this committee looking out at those persons who are in this audience who are the employees of the Government Services, Inc., can realize that the issues involved here are not questions of whether people are or are not members of the Communist Party.

Mr. HOFFMAN. Now, wait a moment; that is not what I was asking you about.

Do you mean to tell me that these people back here—how many of you were former employees of GSI?

[Cries of "all of us."]

Mr. HOFFMAN. That is practically all of them. Now, do you mean to tell me that those people out there who formerly worked in these cafeterias refused and do not want to make an affidavit that they are not Communists?

Mr. MITCHELL. No. I am saying that that is not a relevant issue.

Mr. HOFFMAN. Whether it is relevant or not is for us, and not for you.

Mr. MITCHELL. I think that I should make this personally clear.

Mr. HOFFMAN. You just answer my question; and now, you did not want to come back tomorrow?

Mr. MITCHELL. As I understood it, I was here at your invitation, and I am very happy to be here.

Mr. HOFFMAN. To answer some questions?

Mr. MITCHELL. I am very happy to appear and answer any questions.

Mr. HOFFMAN. And now, I will ask them.

Mr. MITCHELL. I didn't understand that you wanted me to answer it in one word.

Mr. HOFFMAN. Never mind what I want or do not want; I want you to answer my questions.

Mr. MITCHELL. I think that you will find me a cooperative witness. I have no ax to grind in the situation.

Mr. HOFFMAN. Now, these people need jobs; do they not?

Mr. MITCHELL. I suppose so. They act like it.

Mr. HOFFMAN. And they went out on strike as they had a right to do?

Mr. MITCHELL. That is correct.

Mr. HOFFMAN. For higher wages, we will say.

Mr. MITCHELL. That is correct.

Mr. HOFFMAN. And then, whether it was a subterfuge or not, whether it was sincere or not, whether it was the real reason or whether it was not, GSI refused to bargain because the officers of 471 would not sign an affidavit stating those things that are required, that they were not Communists?

Mr. MITCHELL. No, that is not correct; that is not the way I understand it.

Mr. HOFFMAN. Is that not one of the reasons given by GSI?

Mr. MITCHELL. Not always; that was not the reason.

Mr. HOFFMAN. Now, let us stick to our knitting. That was one of the reasons, was it not?

Mr. MITCHELL. I think it would be impossible for me to answer it the way you want me to.

Mr. HOFFMAN. I do not care how you answer it as long as you tell the truth about it.

Mr. MITCHELL. I am not accustomed to lying.

Mr. HOFFMAN. I am not assuming that you are, I am assuming that you are going to tell the truth as all good citizens do.

Mr. MITCHELL. As a member of the Methodist Church, I have taken an oath saying that I will.

Mr. HOFFMAN. I am a member of the Lutheran Church, and I am trying to, too. I am just asking you as one man to another, if one of the reasons given by GSI, and I said whether it was the real reason or whether it was not, one of the reasons given for the refusal to bargain was that the union officers would not sign this anti-Communist affidavit, was it not?

Mr. MITCHELL. That is the reason they gave.

Mr. HOFFMAN. Now, let it go at that. Why did not the officers of the union sign that affidavit if they wanted to bargain?

Mr. MITCHELL. You are not asking me what the officers are thinking about.

Mr. HOFFMAN. Can you think of any reason why any American should not sign an affidavit denying that he believes in the overthrow of his Government by force?

Mr. MITCHELL. I hope that you will ask an American citizen to, a fellow American who does not happen to be a Congressman, but who is a taxpayer and a citizen——

Mr. HOFFMAN. And probably knows more than a Congressman; and we will admit that.

Mr. MITCHELL. I will not say that. I am trying to be honest and sincere with you, Mr. Chairman.

Mr. HOFFMAN. So am I.

Mr. MITCHELL. I am saying that in this country you have got people who have lots of different ideas about things.

Mr. HOFFMAN. I am not interested in that. Read him the question, and listen to the question, Mr. Mitchell, please.

Mr. MITCHELL. I assume you don't want me to answer, and if you are not going to let me say——

Mr. HOFFMAN. I do not want a lecture.

We will adjourn until tomorrow morning at 10 o'clock.

(Whereupon, the subcommittee adjourned at 9:05 p. m., until 10 o'clock a. m. of the following day.)

INVESTIGATION OF GSI STRIKE

TUESDAY, FEBRUARY 3, 1948

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D. C.

The subcommittee met, pursuant to recess, at 10 a. m., in room 429, Old House Office Building, Hon. Clare E. Hoffman (chairman of the subcommittee) presiding.

Also present: Hon. Max Schwabe, of Missouri, Hon. Carroll D. Kearns, of Pennsylvania, and Hon. Arthur G. Klein, of New York, members of the House Committee on Education and Labor.

Mr. HOFFMAN. The committee will come to order.

Mr. Sands, you have been sworn. I will hand you exhibit 3.

TESTIMONY OF CHARLES E. SANDS—Recalled

Mr. HOFFMAN. When was this exhibit 3, captioned "Attention airport restaurant employees," put out?

Mr. SANDS. 1946, about May, I think.

Mr. HOFFMAN. Well, now, I notice you signed:

Charles E. Sands, international representative, Hotel and Restaurant Employees Alliance and Bartenders National League of America.

Mr. SANDS. That is right.

Mr. HOFFMAN (reading):

Proud to be affiliated with the American Federation of Labor.

Mr. SANDS. That is still right.

Mr. HOFFMAN. Then the first paragraph:

The CIO cafeteria workers union you are asked to vote for is a part of the United Federal Employees.

What union were they being asked to vote for at that time?

Mr. SANDS. There was an election in the National Airport Restaurant between local 471 or no union. We were denied a place on the ballot.

Mr. HOFFMAN. You mean the A. F. of L.?

Mr. SANDS. That is right.

Mr. HOFFMAN. I continue to read:

Delegates from the cafeteria union were in attendance at this convention, among them, Mr. Palmer, the business agent.

What convention are you talking about?

Mr. SANDS. We are talking about the convention of the UPW, which passed the alleged communistic resolutions, and condemned the foreign policy of the United States Government.

Mr. HOFFMAN. Lower down it says:

We do not believe that you want to be tied to a Moscow kite.

What was meant by that, if you know?

Mr. SANDS. Well, we joined with a great many other citizens in the press generally, and we were rather amazed in view of the fact that Mr. Palmer was mentioned for one of the mayors of the District, we were very much amazed that he sat in the convention complacently and did not vote or say anything against the resolution.

Mr. HOFFMAN. That is all, I think, unless you had something of your own.

Mr. SANDS. No.

Mr. HOFFMAN. We will call Mr. Palmer.

You do solemnly swear that the testimony which you shall give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PALMER. I do.

Mr. HOFFMAN. Your attorney is with you this morning?

**TESTIMONY OF OLIVER T. PALMER, BUSINESS AGENT, LOCAL 471,
UNITED CAFETERIA EMPLOYEES UNION, WASHINGTON, D. C.**

Mr. PALMER. Mr. Forer.

Mr. HOFFMAN. Let the record show that Mr. Witt is also here this morning, and sitting above there. Mr. Witt, if you care to sit down with the witness, it is all right with me.

Mr. WITT. I appreciate that. I will stay here.

Mr. HOFFMAN. So long as you confine yourself to—what would I say there, what would you say, Mr. Klein?

Mr. KLEIN. Confine himself to advising the witness.

Mr. HOFFMAN. Confine yourself, as Mr. Klein suggested, to advising the witness and not advising the committee as to its course.

Oliver Terrace Palmer.

Mr. PALMER. Not "Terrace," but "Terrance"; 1114 W Street, apartment 4, Washington, D. C.

Mr. HOFFMAN. Mr. Palmer, what office do you hold at this time?

Mr. PALMER. I am the business agent of local 471, United Cafeteria and Restaurant Workers.

Mr. HOFFMAN. Affiliated with what national?

Mr. PALMER. UPW, CIO.

Mr. HOFFMAN. And residing where?

Mr. PALMER. The office, you want my home address there, or the office address?

Mr. HOFFMAN. Home address.

Mr. PALMER. 1114 W Street NW., apartment 4, Washington, D. C.

Mr. HOFFMAN. Did you sign the petition urging the release of Earl Browder?

Mr. PALMER. I did not.

Mr. HOFFMAN. You never signed any petition urging his release?

Mr. PALMER. Not to my knowledge.

Mr. HOFFMAN. Well, you would know if you did.

Mr. PALMER. I assume that I would.

Mr. HOFFMAN. In 1941 you were a member of the executive committee of the National Negro Congress, were you not?

Let the record show that he is consulting counsel.

Mr. PALMER. In answer to the question, Mr. Chairman, it is my understanding that I was asked to come to this hearing to discuss issues concerning the strike. The question that you have asked to my mind is not relevant to the strike. Therefore, I see no reason why I should answer that question as being a proper one at this hearing.

Mr. HOFFMAN. I am asking you again. Were you in 1941 a member of the executive committee of the Negro Council?

Mr. PALMER. My answer to that question, Mr. Chairman, is the same.

Mr. HOFFMAN. Now, just a moment. We are going to get along much quicker if you either answer the question or refuse to answer it, if you will, please.

Mr. PALMER. I want to get along, too, but I have to take into consideration that here I represent 3,000 people and their interests.

Mr. HOFFMAN. Well, now, you are just making a speech; there might be a difference of opinion.

Mr. PALMER. I am not making a speech.

Mr. HOFFMAN. Wait a minute until I get through.

Now, when I ask a question, wait until I finish the question and then, if you will, please, have the courtesy to answer the question or refuse to answer it, instead of discussing something else. Now, wait a minute; I did not ask you.

Mr. PALMER. As a supposition——

Mr. HOFFMAN. Wait a minute.

Mr. PALMER. Surely.

Mr. HOFFMAN. I did not ask you how many people you represented nor whom you represented.

Mr. PALMER. That is right.

Mr. HOFFMAN. I just asked you a very simple question as to whether you were or were not in 1941 a member of the executive council of the National Negro Congress.

You can answer that, I think, very easily, and that is what I am asking you to do.

Mr. PALMER. Well, if the question is not relevant to the strike——

Mr. HOFFMAN. Wait a minute. It does not fall within your province to pass upon the relevancy or the irrelevancy of the questions we ask.

If you refuse to answer, and if it turns out later that it was a question which the committee had no right to ask, some court, if it comes before a court, will so advise the committee. If, on the other hand, the court should decide that the question was proper, and within the scope of our investigation, then perhaps your refusal to answer might or might not be contempt. You see the point?

It is not up to you to tell us what to ask. It is up to us to ask, and if we are mistaken, then there is nothing comes of it.

Let the record show that the witness again consults counsel.

Mr. PALMER. Mr. Chairman.

Mr. HOFFMAN. Yes, sir.

Mr. PALMER. I want to make my position very clear. This investigation, as I understand it, concerns the strike. This is, this question is not relevant to the strike. The interests of 1,500 Negro workers is at stake here.

Mr. HOFFMAN. You have dropped 1,500; you had 3,000 a moment ago.

Mr. PALMER. It will be 1,500 immediately at stake.

Mr. HOFFMAN. And I might suggest to you there that they are out of work because of the course followed by you and your fellow union officials.

Mr. PALMER. We disagree on that.

Mr. HOFFMAN. Just a moment. You folks are here by virtue of our courtesy. Now, you will either refrain from demonstrations, or the room will be cleared of all except the reporters and the witnesses and their attorneys.

Mr. PALMER. We disagree on that, Mr. Chairman, and if we disagree, that is an honest disagreement on my part.

Mr. HOFFMAN. Admitting all of that, will you or will you not, sir, answer the question I just asked you?

Mr. PALMER. I will not answer a question that is not relevant to the strike.

Mr. HOFFMAN. In other words, you will not answer this question, is that right?

Mr. PALMER. I will not answer a question that is not relevant to the strike.

Mr. HOFFMAN. Now, once more, and for the last time, I am going to ask you the question: Were you in 1941 a member of the executive committee of the National Negro Congress?

Mr. PALMER. My answer, Mr. Chairman, is the same.

Mr. HOFFMAN. Is it "Yes" or "No," or do you refuse to answer?

Mr. PALMER. My answer is I will not answer questions that are not relevant to the strike.

Mr. HOFFMAN. And you reserve the right to determine whether or not they are relevant, do you not?

Mr. PALMER. No, I don't reserve the right, but that has—of 1941, has nothing to do with 1948.

Mr. HOFFMAN. My associate suggests I ask, are you a member of the executive committee of the National Negro Congress at this time?

Mr. PALMER. That is not relevant to the strike.

Mr. HOFFMAN. Will you answer, or will you not?

Mr. PALMER. I made my position very clear.

Mr. HOFFMAN. No, I am asking you the plain question, you can say you will or you will not.

Mr. PALMER. I made my position very clear, that this is not relevant to the strike.

Mr. HOFFMAN. Well, I think I have laid a foundation so that any court will say that you have had a fair opportunity to say whether you would or would not answer.

Did you attend a banquet for Al Lanon on or about March 6, 1946, in Washington?

Mr. PALMER. My position on that question would be the same.

Mr. HOFFMAN. That is to say, you refuse to answer.

Mr. PALMER. That certainly would be the same. That is not at all relevant to the strike that is now going on.

Mr. HOFFMAN. Is that your sole reason for refusing to answer?

Mr. PALMER. That is my reason that I am setting forth at this time.

Mr. HOFFMAN. I say—now, just a moment. Instead of delivering a long statement here, is that—now, wait a moment—now, counsel, if the witness is going to answer, well and good, but if you are going to sit there by his side and suggest to him the answer, we will have to ask you to step aside. When there is a legal point involved, that is all right, but for—

Mr. FORER. I am not suggesting any answers to the witness.

Mr. HOFFMAN. As a lawyer I cannot concede why it is necessary on almost every question for him to consult counsel before he answers, because the issues involved are very simple.

Mr. FORER. I do not believe that he has consulted counsel before every question.

Mr. HOFFMAN. Not every one.

Mr. FORER. Not many have been asked, and this witness is testifying for himself.

Mr. HOFFMAN. Is there any reason why you should not advise him to answer directly whether he will or will not answer these questions. I am asking you, as a lawyer?

Mr. FORER. As a lawyer, Mr. Hoffman, you know that I cannot discuss what advice I give to my client.

Mr. HOFFMAN. I was asking whether or not you knew of any reason why you should not advise him as a lawyer, as your client, to answer.

Mr. FORER. Mr. Hoffman, as a lawyer—

Mr. HOFFMAN. As to whether he would or would not make replies.

Mr. FORER. I am sorry. I think if you will think that question over you will see that it infringes the attorney-client privilege.

Mr. HOFFMAN. Mr. Fisher suggests I am not asking you to divulge any confidential communication.

Mr. FORER. I think indirectly it amounts to that.

Mr. HOFFMAN. The situation is open to the supposition, perhaps very remote, that some of the answers, are the answers of the counsel, instead of the answers of the client.

Mr. FORER. Let me now say, Mr. Hoffman, that that is not so.

Mr. HOFFMAN. I am glad to know that.

Mr. FORER. Very well.

Mr. HOFFMAN. What would you say about answering that question, as to whether you did or did not attend this banquet to Mr. Lanon on March 6, 1946, or about that date, here in Washington, the banquet being held here in Washington?

Mr. PALMER. As I have stated before, Mr. Chairman, I do not appear here personally representing myself.

Mr. HOFFMAN. Yes; you are here personally, and if it turns out that you are in contempt of the committee or of Congress, you will go to jail personally, if the judge so decides, the union will not go, none of these people back here will go, they are not witnesses. This is your personal responsibility.

Mr. PALMER. They are questions involved that are propounded for obscuring real issues here, and I have a responsibility.

Mr. HOFFMAN. And if you guess wrong about that, you would still be subject to the jurisdiction of the court. I am trying to protect you

and prevent your getting into a situation that may hereafter be very, very unpleasant, and I do that in all good faith.

Mr. PALMER. I in all good faith want to cooperate with the committee in answering questions concerning the strike.

Mr. HOFFMAN. We want to know one thing that the committee is anxious to learn, and I think the full committee too, and the Congress, and that is whether back of this strike there are Communists and communistic influences. That is one thing we are driving at.

Mr. PALMER. You are driving—

Mr. HOFFMAN. And so charged. Whether that is true or not, I do not know.

Mr. PALMER. Are you driving on both sides to find out what caused the strike, Mr. Chairman?

Mr. HOFFMAN. As to whether there are communistic influences.

Mr. PALMER. No; on both sides, as to the real cause of the strike.

Mr. HOFFMAN. The employer is not required to sign any anticommunistic affidavit.

Mr. PALMER. But I mean the employers' activity here is certainly involved in what has caused this strike.

Mr. HOFFMAN. Well, so far as Mr. Fisher suggests, the GSI officials have answered all that we have asked.

Have I made that clear, our question and his refusal to answer?

Do you remember the banquet that was given here on or about March 6, 1946, for Al Lanon, when he was leaving district No. 4 of the Communist Party?

Mr. PALMER. Here again we have another question similar to the one that—

Mr. HOFFMAN. I say—

Mr. PALMER. Just asked.

Mr. HOFFMAN. Do you refuse to answer that question?

Mr. PALMER. These questions all have one—

Mr. HOFFMAN. Do you refuse to answer the question?

Mr. PALMER. My answer to that would be the same, that it is an irrelevant question.

Mr. HOFFMAN. And hence you refuse—

Mr. PALMER. Irrelevant to the—

Mr. HOFFMAN. You refuse because the question is irrelevant?

Mr. PALMER. No; I have other reasons for refusing.

Mr. HOFFMAN. What other reasons have you?

Mr. PALMER. Simply because the answering of such questions at this time, at a time like this, certainly would be inimical to the interests of these workers. I have a responsibility here.

Mr. HOFFMAN. Well, assuming that Mr. Lanon was a Communist, you think that hooking you up with him would injure the interests of the union, and the members, do you?

Mr. PALMER. That again is an irrelevant question to what is going on.

Mr. FISHER. You said it would be inimical to the interests of the workers. Now, why do you say it would be inimical? Just why would it be inimical? Answer that question as to your connection with this man he asked you about.

Mr. PALMER. In connections with what man?

Mr. FISHER. How is that?

Mr. PALMER. You say connections with whom?

Mr. FISHER. With the man, what is his name?

Mr. HOFFMAN. Al Lanon.

Mr. FISHER. The Communist.

Mr. PALMER. Why, certainly this is not relevant to the strike.

Mr. FISHER. You said it would be inimical to the interests of the workers. Why would it be inimical to the interests of the workers for you to answer that question? What is there in the question that would be—

Mr. PALMER. I don't see where it is relevant at all to the strike, and the cause of the strike.

Mr. HOFFMAN. Have you any other reason than those you have given?

Mr. PALMER. No.

Mr. HOFFMAN. What?

Mr. PALMER. Not at this time.

Mr. HOFFMAN. Well, have you at some other time that you want to come in and give?

Mr. PALMER. May I consult with him?

Mr. HOFFMAN. Just a minute. Let the record show on this particular occasion, sitting before us, counsel nudged the witness, and then conferred with him, before the witness would ask counsel for advice.

What do you say now?

Mr. PALMER. You have another question to ask?

Mr. HOFFMAN. You did not answer the last one.

Mr. PALMER. Oh, I mean—

Mr. HOFFMAN. Have you any other reason, have you any reason other than those you have given as to why you should not answer this last question, or any of the others?

Mr. PALMER. In addition to the reasons that I set forth, I do not think that it is proper to answer questions that concern me personally, my personal beliefs, at all, because they are not why I have anything to do with the situation.

Mr. HOFFMAN. Have you ever been a member of the Communist Party?

Mr. PALMER. My answer to that would be I think that is a very improper question.

Mr. HOFFMAN. I mean do you refuse to answer the question?

Mr. PALMER. I would not answer. I don't want to answer that question.

Mr. HOFFMAN. What is that?

Mr. PALMER. I won't answer that question.

Mr. HOFFMAN. Have you ever been affiliated with the Communist Party?

Mr. PALMER. My answer to that would be the same.

Mr. HOFFMAN. And did you know in 1941, and subsequently, in 1946, that Lanon, Al Lanon, was or was not a Communist?

Mr. PALMER. My answer to that would be the same.

Mr. HOFFMAN. You refuse to answer.

I am asking you if you did not at a dinner, at a banquet held here on March 6, 1946, make a speech from the floor in which you complimented Lanon for the fine work that he had done while an official of the Communist Party?

Mr. PALMER. My answer to that would be the same.

Mr. HOFFMAN. Did the banquet end with the singing of the Internationale?

Mr. PALMER. My answer to that would be the same.

Mr. HOFFMAN. I will ask you if you did not attend a meeting of the Communist Political Association in Washington on July 15, 1945.

Mr. PALMER. My answer to that would be the same.

Mr. HOFFMAN. I am correct in understanding that you refuse to answer any and all of those questions?

Mr. PALMER. For the reasons that I have given.

Mr. HOFFMAN. For the reasons you have given, and not for any reason that the answer might tend to incriminate you or to disgrace you.

Mr. PALMER. Certainly not.

Mr. HOFFMAN. Now, you have refused, have you not, to sign the affidavits required as a condition precedent to bargaining required by the Taft-Hartley Act, as a condition precedent to collective bargaining.

Mr. PALMER. May I understand the question clearly, Mr. Chairman?

Mr. HOFFMAN. All right, we will start over again.

You understand that if you want to force an employer to bargain under the Taft-Hartley Act, that the officers of the union must sign certain affidavits set forth on page 12 of Public Law 101.

Mr. PALMER. I don't understand.

Mr. HOFFMAN. I show you this section B.

Mr. PALMER. I am acquainted with it.

Mr. HOFFMAN. You are familiar with it?

Mr. PALMER. I don't understand that such qualifications and conditions can be imposed upon a bargaining agent by an employer for the purpose of collective bargaining. That is not the law.

Mr. HOFFMAN. That is to say the employer may, if he wishes, bargain with a bargaining agent, even though the officers of that union have not signed these affidavits.

Mr. PALMER. Under the present law.

Mr. HOFFMAN. Yes; that is right.

Mr. PALMER. The obligation of the employer to bargain is the same as it was under the Wagner Act. It is an——

Mr. HOFFMAN. Wait a moment. We agree with you.

Mr. PALMER. It is an unfair labor practice for an employer to refuse to bargain under the present law with the duly elected representative of his employees, of its employees.

Mr. HOFFMAN. But only if the employees union's officers have complied with the Taft-Hartley Act.

Mr. PALMER. That is not the law.

Mr. HOFFMAN. Well, you may be mistaken again about that. Will you read subdivision (b) here to us?

Well, I made a mistake. I will give you what is underscored here.

Mr. PALMER. I have it in front of me.

Mr. HOFFMAN. Read what is underscored.

Mr. PALMER. You want me—what you want me to read is section 9 (h), is that it?

Mr. HOFFMAN. On page 12, section (h).

Mr. PALMER. Okay.

Mr. HOFFMAN. I don't care about the first part.

Mr. PALMER. You just want what is underscored.

Mr. HOFFMAN. Just begin down there, read (h), if you will. Strike out all of the rest of it.

Mr. PALMER (reading):

No investigation shall be made by the Board of any question affecting commerce concerning the representation of employees raised by a labor organization under subsection (c) of this section. No petition under section 9 (e) shall be entertained and no complaints shall be issued pursuant to a charge made by a labor organization under subsection (b) of section 10, unless there is on file with the Board an affidavit executed contemporaneously or within the preceding 12-month period by each officer of such labor organization and the officers of any national or international labor organization of which it is an affiliate or constituent unit, that he is not a member of the Communist Party, or affiliated with such party, and that he does not believe in and is not a member of or supports any organization that believes in or teaches the overthrow of the United States Government by force or by any illegal or unconstitutional methods. The provisions of section 35 (a) of the Criminal Code shall be applicable in respect to such affidavits.

Mr. HOFFMAN. You as an officer of this 471 refuse to sign an affidavit that you do not believe in, and that you are not a member of, and that you do not support any organization that believes in or teaches the overthrow of the United States Government by force, do you not?

Mr. PALMER. Let me state—

Mr. HOFFMAN. No, no; that is another question that you can easily answer. You refused to sign such an affidavit, have you not?

Mr. PALMER. That is inaccurate. The question is inaccurate and it is not applicable to the—not applicable to the situation.

Mr. HOFFMAN. Have you not refused to sign such an affidavit?

Mr. PALMER. The question—

Mr. HOFFMAN. Listen. Did you ever learn that you could answer a question sometimes by yes or no?

Mr. PALMER. Well, in this instance I would like—

Mr. HOFFMAN. Did you ever get hungry?

Mr. PALMER. I would like to explain. We all do. And they are—we all do.

Mr. HOFFMAN. You know, do you not, that if you want to force the GSI to bargain with your union you will have to sign one of these affidavits?

Mr. PALMER. No, I don't know that, because I don't know—

Mr. HOFFMAN. You do not know that; you will learn that before you get through, I think, and it is too bad that because of your position on that the members of your union have lost their jobs.

Mr. PALMER. My position—

Mr. HOFFMAN. Yes.

Mr. PALMER. That is an inaccurate statement.

Mr. HOFFMAN. Yes, I know.

Mr. PALMER. And it can't be correct.

Mr. HOFFMAN. Any way—

Mr. PALMER. It can't be correct.

Mr. HOFFMAN. How many of the members of 471 are now out of jobs, not working?

Mr. PALMER. A number of members that are on strike.

Mr. HOFFMAN. How many?

Mr. PALMER. Approximately I would say 12 or 13 hundred people.

Mr. HOFFMAN. Former employees of GSI.

Mr. PALMER. Not former employees, employees of GSI.

Mr. HOFFMAN. All right, we will not quibble about that. But there are approximately 12 or 13 hundred members of your union who, you say, are employees of GSI, are not now working in these cafeterias, are they?

Mr. PALMER. They are on strike.

Mr. HOFFMAN. I say they are—can you not answer that question?

Mr. PALMER. On strike means that they would not be in the cafeteria working.

Mr. HOFFMAN. So the answer is that they are not working, is it not? Why can you not be friendly and agreeable, and when there is a simple question, answer it.

Mr. PALMER. I can't be friendly and agreeable when you are trying to persecute 1,500 colored workers, and deny them the right to have a union.

Mr. HOFFMAN. Nobody—

Mr. PALMER. And that is the purpose of this, that is the purpose of this, and the only purpose of this.

Mr. HOFFMAN. Wait a moment.

Mr. PALMER. The question is do 1,500 Negro workers have a right to have a union.

Mr. HOFFMAN. Certainly they do.

Mr. PALMER. John L. Lewis did the same, took the same action.

Mr. HOFFMAN. Forget it.

Mr. PALMER. You didn't bring them up here. You brought us up here because we are Negroes.

Mr. HOFFMAN. You are mistaken as you can be.

Mr. PALMER. You brought them up because we are Negroes.

Mr. HOFFMAN. You remember what I told you about applause.

Mr. PALMER. You want to smash the Negro union.

Mr. HOFFMAN. Wait a moment. Once more, I only want to repeat, you folks are here just through the courtesy of the committee. That is twice, three times. You know, we used to say when we were kids, three times, and out. That is not a threat. That is just a promise of what is going to happen if the disturbance continues. You talk about persecuting these people because they are Negroes. Do you not know that some 1,300 other Negroes are now working where the members of your union formerly worked.

Mr. PALMER. I know no—

Mr. HOFFMAN. Do you know that?

Mr. PALMER. I know this—

Mr. HOFFMAN. Do you know that?

Mr. PALMER. I know this—

Mr. HOFFMAN. Well, now—

Mr. PALMER. That 1,300 probably strikebreakers have been taken into the cafeterias through this, the assistance of the guards and the Public Buildings, and the Police Department.

Mr. HOFFMAN. And those workers are colored people, are they not?

Mr. PALMER. I don't know all of them that are in there.

Mr. HOFFMAN. No, no. Do you not know that the majority are colored people?

Mr. PALMER. I assume that the majority are.

Mr. HOFFMAN. So that you are charging that the discrimination is against them because of their color is not true.

Mr. PALMER. It is true to my way of thinking.

Mr. HOFFMAN. Yes, to your way of thinking.

Mr. PALMER. It is true to your way of thinking, if it is fair thinking.

Mr. HOFFMAN. Now these people are out of their jobs. One reason is because you as an officer of their union would not sign the necessary affidavits, which would have enabled you to have made a complaint before the Labor Board, and forced GSI to bargain, are they not?

Mr. PALMER. That is incorrect. The situation so far as—

Mr. HOFFMAN. Never mind. I did not ask you for anything there. You are through on that question.

Mr. PALMER. You won't let me answer.

Mr. HOFFMAN. No.

Mr. PALMER. You won't let me answer. You are trying to charge me for something in a very inaccurate—

Mr. HOFFMAN. You are responsible for these people being out of a job, you and your fellow officers of that union may not be guilty of that charge, but you are guilty, according to the opinion of most people, of aiding the GSI in its refusal to bargain with your union, because if you and your fellow officers had signed those affidavits you would have been in a position to have compelled GSI to bargain with you.

Mr. PALMER. In other words—

Mr. HOFFMAN. And the court would have enforced that. But you have arbitrarily and for yourself decided that you do not intend to comply with the law which Congress passed, which forces employers to bargain with the union.

Mr. PALMER. I resent that, because—

Mr. HOFFMAN. I know you do, but that does not make any difference.

Mr. PALMER. To you it does not make any difference, but to me it does.

Mr. HOFFMAN. All right, now.

Mr. PALMER. Because I want to have it accurate. I want to have it accurate, why affidavits weren't signed.

Mr. HOFFMAN. Some people who stand back here and today are on the picket line are on strike instead of working, are going to learn that you and the other officers of your union are the cause of the loss of their jobs.

Mr. PALMER. They know better. They know better. They know they make the laws and we carry them out.

Mr. HOFFMAN. Mr. Klein, have you any questions?

Mr. KLEIN. Without taking any stand on the questions that were asked, I think that the committee is interested in learning—at least I am—why these affidavits provided by section 9 (h) of the act—first let me ask you this. Did you have anything to do with the policy which provided that in your particular local these affidavits should not be signed?

Mr. PALMER. That policy was made and determined by our membership.

Mr. KLEIN. Did you have a meeting of your membership at which they decided not to have these affidavits signed?

Mr. PALMER. There were many meetings concerning the provisions of the Taft-Hartley Act, many discussions, executive board meetings, shop steward meetings, shop steward council meetings, at which we had attorneys, legislative representatives to discuss the provisions of the act.

Mr. HOFFMAN. May I interrupt you just a minute there, Mr. Klein. I just want, before I forget it, local 600 of Briggs of Detroit, one of the largest CIO unions, membership voted overwhelmingly to require their officers to sign these affidavits, and one of them did, and then I wanted to say to you, Mr. Palmer, that Mr. Klein is one member of the labor committee, the Committee on Education and Labor which wrote the Taft-Hartley Act, and he endeavored in every possible way, and if I am not correct, you may correct me, Mr. Klein, to do everything he could to protect and further the union's interest in that bill.

He is not on this particular committee which has met with your disapproval. He is sitting here as a member of the full committee.

Mr. PALMER. Your committee has not met with my disapproval.

Mr. KLEIN. Why do you not stop arguing and maybe we can get at the facts here. That is the trouble here. You people come in here and you want to make a speech.

As I said last night, I want to help you, but you are making it very difficult.

Give us the information that we want and let us determine what action should be taken.

Mr. PALMER. I am trying to do that.

Mr. KLEIN. Will you tell me again, you were telling me about the meeting that was held, and at which you decided or your local decided not to sign these affidavits.

Mr. PALMER. That is it. And after discussion on all provisions of the Taft-Hartley Act, it was decided since it was not required by the act, that a union use the facilities of the new Taft-Hartley board, that it was determination of our members that we would not use the Taft-Hartley board.

Mr. KLEIN. And you would not sign the affidavit?

Mr. PALMER. That is right. There was no necessity then of signing affidavits.

Mr. KLEIN. You take the position, I believe it is a correct one, that the failure to sign these non-Communist affidavits simply has the effect of not permitting you to use the jurisdiction of the National Labor Relations Board, is that correct?

Mr. PALMER. Not permitting the union to use the jurisdiction of the Taft-Hartley board.

Mr. KLEIN. And did your membership vote at some time, either by ballot or voice vote in agreement that you should not, that your local should not file these affidavits?

Mr. PALMER. They did.

Mr. KLEIN. Now, Mr. Hoffman mentioned a particular local which had voted to compel the officers to sign that affidavit. I assume that you read about that.

Mr. PALMER. That is right.

Mr. KLEIN. I have read about that in the paper. That is open to this local as well.

Mr. PALMER. That is right.

Mr. KLEIN. If they want to take that action, they can do it and you as an officer and the other officers would have to follow their suggestion, is that correct?

Mr. PALMER. That is correct.

Mr. KLEIN. If that happened, you would sign this affidavit?

Mr. PALMER. That is correct. Whatever action is taken by the membership, yes, we conform to that action.

Mr. KLEIN. You would either have to sign the affidavit or resign, is that correct?

Mr. PALMER. That is correct, absolutely correct.

Mr. KLEIN. Is that the only reason why you have not signed the affidavit?

Mr. PALMER. That is absolutely correct.

Mr. KLEIN. That is all.

Mr. SMITH. You will sign the affidavit when your union votes for you to sign it, will you?

Mr. PALMER. If our union votes, Mr. Klein, I just answered that question to him, Mr. Smith, for Mr. Klein. If our union votes to use the facilities of the Taft-Hartley board, I would either sign the affidavit, or I would have to resign as an officer.

Mr. SMITH. Well, I asked you what you would do if they voted for that. You said now that you would either have to sign or resign; which are you going to do, sign or resign?

Mr. PALMER. I would have to wait until they take that action.

Mr. SMITH. And you could not tell me whether you would sign or resign?

Mr. PALMER. I think I should reserve that decision to an act when they act.

Mr. SMITH. Mr. Flaxer said last night that these cafeteria workers are getting \$21 a week. Is that the correct figure?

Mr. PALMER. Some of them get as low as \$16.83.

Mr. SMITH. What is the rate of pay down there?

Mr. PALMER. The lowest rate of pay in the cafeteria is 73½ cents an hour after the worker becomes a permanent employee.

Mr. SMITH. And they work 40 hours a week?

Mr. PALMER. No, they are not guaranteed a 40-hour workweek, Their full-time employment is considered anything from 30 to 48 hours a week. The over-all study of the cafeteria workers as made of November 1, 1941, shows that in all classifications where the rates of pay range from 73½ cents an hour to \$1.20½ cents an hour, that the average take-home pay of the worker is \$21.91. Fifty percent of the workers in the lowest classified jobs. Of that 50 percent, they get \$19.25 in take-home pay. And 15 percent of that number receive as low as \$16.93 a week for full employment.

Mr. SMITH. Where did this meeting transpire, where was it held, that your members of your union voted not to sign this anti-Communist affidavit for its officers.

Mr. PALMER. Well, we had quite a few meetings.

Mr. SMITH. Where were they held?

Mr. PALMER. Some of them were held in the union office, others were held, sometimes they met at Garnet Patterson School, and they met at other places.

Mr. SMITH. They just voted once, I suppose, on this particular thing?

Mr. PALMER. There were many decisions. I mean there was much, first it was taken up by the executive board, discussed, then passed on to the shop stewards council, and discussed, then discussed two or three times and then discussed again at the meetings over and over again. In fact, the executive board of the union, members of the executive board sat in the Senate Gallery all night when Senator Kilgore, Senator Pepper, Senator Morse, and Senator Taylor of Idaho were speaking, trying to delay a vote on this bill by the Senate after the President had vetoed it.

Mr. HOFFMAN. He asked you where the meeting was held. You testified—pardon me, may I interrupt—you testified, did you not, in answer to Mr. Klein, that the membership of 471 voted on this issue as to whether the officers should or should not sign the affidavits required by the Taft-Hartley Act?

Mr. PALMER. Yes.

Mr. HOFFMAN. You said that the membership did vote on that, did you not?

Mr. PALMER. Then he asked me where the meetings were held.

Mr. HOFFMAN. He asked you if the membership did not vote on that issue, and you said they did.

Mr. PALMER. That is correct.

Mr. HOFFMAN. When and where did the membership vote on that issue?

Mr. PALMER. Well, my answer to the question was that the meetings, there were many meetings.

Mr. HOFFMAN. I do not care about many meetings. I am asking about one specific meeting where the membership voted on that issue as to whether the officers should or should not sign those affidavits.

Mr. PALMER. I am sure that meeting was held in Garnett Patterson School.

Mr. HOFFMAN. About when in the Patterson School?

Mr. PALMER. Well, I think at the time that that meeting was held was in August, and I was not here; I was away.

Mr. HOFFMAN. You were not there?

Mr. PALMER. Yes, well—

Mr. HOFFMAN. Have you any record of the meeting?

Mr. PALMER. I am sure there is a record somewhere.

Mr. HOFFMAN. Where is it, and who would have it?

Mr. PALMER. Well, it should be, the record of the meeting should be in the—

Mr. HOFFMAN. Name the individual who has the record of that meeting.

Mr. PALMER. Well, it should be in the files.

Mr. HOFFMAN. Yes; I know it should be. What individual should have charge of it? Now, we have been accused of raiding your office, which is a false charge. Now, you tell us where we can get the records of your meeting.

Mr. PALMER. Well, I mean you could get the records.

Mr. HOFFMAN. What?

Mr. PALMER. You could get the records of the meeting.

Mr. HOFFMAN. Who has that record, sir?

Mr. PALMER. Well, they would be in the charge of the trustees of the union.

Mr. HOFFMAN. And name them, then, please. Now, you might just as well come across, because ultimately I think you will be inclined to give us the information.

Mr. PALMER. You can get that record.

Mr. HOFFMAN. Tell me the name of the individual. You are the president of this local; are you not?

Mr. PALMER. No; I am not.

Mr. HOFFMAN. You are not?

Mr. PALMER. I am not the president.

Mr. HOFFMAN. The business manager.

Mr. PALMER. I am not the president of the union.

Mr. HOFFMAN. Who is?

Mr. PALMER. That is Mr. Richard Bancroft.

Mr. HOFFMAN. We will have him shortly.

You are familiar, Mr. Bancroft, just step up here, please.

You solemnly swear——

Mr. BANCROFT. I was sworn yesterday.

Mr. HOFFMAN. You do solemnly swear that in the testimony you shall give before this committee you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BANCROFT. I do.

Mr. HOFFMAN. Have a chair down here with him.

Mr. FORER. May it appear that I am counsel for Mr. Bancroft, too?

Mr. HOFFMAN. Yes.

TESTIMONY OF RICHARD A. BANCROFT, PRESIDENT, LOCAL 471, UNITED CAFETERIA EMPLOYEES UNION, WASHINGTON, D. C.

Mr. BANCROFT. I have a good voice. I think they can hear.

Mr. HOFFMAN. You are president of local 471?

Mr. BANCROFT. That is right, Mr. Hoffman.

Mr. HOFFMAN. You say that the membership of that union voted upon the issue as to whether the officers of the union should or should not sign the affidavits required by the Taft-Hartley Act?

Mr. BANCROFT. That was not the issue.

Mr. HOFFMAN. You say they never voted on that issue?

Mr. BANCROFT. They voted on the issue of compliance with the filing requirements of the Taft-Hartley law, in order to use——

Mr. HOFFMAN. That is the same.

Mr. BANCROFT. Not quite the same thing, Mr. Chairman, because——

Mr. HOFFMAN. When and where?

Mr. BANCROFT. May I explain that a little?

Mr. HOFFMAN. No, no.

Mr. BANCROFT. I think it is important to explain that part of the law.

Mr. HOFFMAN. Now, just a moment. You answer the questions and let us get along.

When and where was that meeting?

Mr. BANCROFT. The meeting, as I recall, was held at the Patterson High School.

Mr. HOFFMAN. At what time?

Mr. BANCROFT. I am not certain of the date. It was some time after the passage of the Taft-Hartley——

Mr. HOFFMAN. Where are the records of that meeting, if you kept any?

Mr. BANCROFT. I presume in the file.

Mr. HOFFMAN. Who has charge of them?

Mr. BANCROFT. They would be in charge of the trust board.

Mr. HOFFMAN. Who are the members of that board?

Mr. BANCROFT. I don't know whether I know all of their names, but I can provide them for you. If I had a piece of paper, I would be glad to try to write them for you.

Mr. HOFFMAN. When we go back to the other witness you may provide us with those names.

Mr. BANCROFT. Yes.

Mr. HOFFMAN. Did you keep a written record of that meeting?

Mr. BANCROFT. We keep records.

Mr. HOFFMAN. Did you keep a written record of that meeting held at the Patterson School when this issue to which you refer was voted upon?

Mr. BANCROFT. I presume that one was kept.

Mr. HOFFMAN. Do you know?

Mr. BANCROFT. I am not certain.

Mr. HOFFMAN. Who would sign the record if a record was kept?

Mr. BANCROFT. Well, may I explain that a little to you?

Mr. HOFFMAN. No; just answer my question, if you can.

Mr. BANCROFT. This is the only way I think I can answer this question.

Mr. HOFFMAN. Were you present at the meeting?

Mr. BANCROFT. I was present.

Mr. HOFFMAN. Who presided?

Mr. BANCROFT. I presided at the meeting.

Mr. HOFFMAN. Do you not know whether then a record was written up?

Mr. BANCROFT. I am being antagonistic, but it is necessary for me to answer this question in this manner.

Mr. HOFFMAN. I am forgetful, and I might get off the track if I did not go through with the thought I had at the moment.

Mr. BANCROFT. All right.

Mr. HOFFMAN. You being the presiding officer at the meeting who was the secretary and took minutes of the meeting is there was one?

Mr. BANCROFT. I do not know.

Mr. HOFFMAN. You do not remember?

Mr. BANCROFT. I don't recall which meeting you see, exactly, and so on.

Mr. HOFFMAN. Do you recall whether there was a written record of the meeting?

Mr. BANCROFT. I presume that one was kept. If you will let me explain, it will be very clear to you.

Mr. HOFFMAN. Was there a ballot prepared for the membership to vote on?

Mr. BANCROFT. There was no secret ballot.

Mr. HOFFMAN. Then the issue was stated by whom?

Mr. BANCROFT. The issue was stated?

Mr. HOFFMAN. Yes.

Mr. BANCROFT. A motion.

Mr. HOFFMAN. Who made the motion, then, if it was a motion?

Mr. BANCROFT. It has been a long time ago.

Mr. HOFFMAN. You do not remember?

Mr. BANCROFT. I don't remember who made the motion.

Mr. HOFFMAN. Was the issue presented by a motion or a resolution?

Mr. BANCROFT. It was——

Mr. HOFFMAN. From the floor?

Mr. BANCROFT. I do not recall whether it was a motion from the floor to approve a recommendation of the executive board or whether it was an independent action by motion from the floor.

Mr. HOFFMAN. Your best judgment is that it was some motion made to approve the action of the executive board?

Mr. BANCROFT. Either that or an independent motion. There was an action, a formal action taken at the meeting.

Mr. HOFFMAN. And do you remember whether the proposition was stated by someone reading it from a paper?

Mr. BANCROFT. No; I do not. I do not.

Mr. HOFFMAN. Well, that was a very important action, was it not?

Mr. BANCROFT. Yes; it was an important action.

Mr. HOFFMAN. It determined the fundametal policy of the union with reference to the Taft-Hartley Act.

Mr. BANCROFT. That is right, an important action.

Mr. HOFFMAN. And the best you can give us is this, is it, that either a motion was made to approve a recommendation of the executive board, or that someone from the floor made a motion or offered a resolution that you should not, that the officers should not comply with the Taft-Hartley Act?

Mr. BANCROFT. Well, my recollection is that an important action was taken after August 22, the passage of the Taft-Hartley law, by membership meeting of our union establishing policy with respect to use or nonuse of the Taft-Hartley or National Labor Relations Board.

Mr. HOFFMAN. Yes.

Mr. BANCROFT. It was not phrased——

Mr. HOFFMAN. And about how many were present at that meeting?

Mr. BANCROFT. Well, I presume 300, 350 members at that particular meeting.

Mr. HOFFMAN. Do you recall the vote?

Mr. BANCROFT. No; I do not. I believe it was unanimous.

Mr. HOFFMAN. A show of hands or voice vote?

Mr. BANCROFT. Show of hands, I believe.

Mr. HOFFMAN. 300 out of some 1,500?

Mr. BANCROFT. About 300 members.

Mr. HOFFMAN. Do you not think it would be advisable now, we have been talking about this strike, or somebody there has been suggesting, your folks have been suggesting that the strike be settled, do you not think it would be well for the best interests of the union to call another meeting and have a vote by secret ballot on that issue of whether you should or should not comply with the Taft-Hartley Act?

Mr. BANCROFT. There is a membership action already taken by the membership of this union.

Mr. HOFFMAN. When; the one you referred to?

Mr. BANCROFT. Beg pardon?

Mr. HOFFMAN. The one to which you referred?

Mr. BANCROFT. That is right.

Mr. HOFFMAN. That was back in August sometime, or October, was it not?

Mr. BANCROFT. I did not mention the month. Sometime after the passage of the Taft-Hartley law.

Mr. HOFFMAN. It would probably be as early as October, the last of October, would it not?

Mr. BANCROFT. I am sure it was between August and October.

Mr. HOFFMAN. It was?

Mr. BANCROFT. Either in August meeting or September or October meeting; I am not certain which.

Mr. HOFFMAN. Now, do you not think it would be advisable in view of the present situation to once more ask the membership to vote by secret ballot as to whether they wished their union officials to comply with the requirements of the Taft-Hartley Act?

Mr. BANCROFT. If the membership of the union wants to do that, they have a perfect right to do it. They have a democratic right to do that.

Will you need me any further here? Will you need me any further here, or do you want to call me again?

Mr. HOFFMAN. You can sit here. You might just as well.

Mr. Schwabe and Mr. Kearns, have you gentlemen any questions?

Mr. SCHWABE. No.

Mr. KEARNS. No; I have no questions.

Mr. HOFFMAN. Mr. Kersten is here somewhere. Is there any other member of the full committee who desires to ask any questions?

All right, Mr. Bancroft. That is all right, you may sit there if you wish.

Mr. FISHER. Your name is Richard Bancroft, and you are president of local 471 of the United Public Workers of America.

Mr. BANCROFT. Richard A. Bancroft, and the rest of the information is correct.

Mr. FISHER. How long have you been president of local 471?

Mr. BANCROFT. About a year and a half.

Mr. FISHER. Local 471 up until January 1 had a contract with the GSI as the bargaining representative for the employees in the Government cafeterias, is that correct?

Mr. BANCROFT. In certain Government cafeterias, that is true.

Mr. FISHER. There were 42 of them, were there not?

Mr. BANCROFT. Forty-two or forty-three; there have been some recent changes.

Mr. FISHER. And then last fall or preceding the expiration of the contract on January 1, the GSI officials declined to bargain with your union, is that correct?

Mr. BANCROFT. That is true.

Mr. FISHER. With respect to a possible renewal of the contract?

Mr. BANCROFT. That is true.

Mr. FISHER. And gave as one of their reasons, their reason or one of their reasons, that they would not bargain with your union until and unless the union complied with the requirements of the law, and their officers signed the non-Communist affidavits. Do you recall that question being raised by the GSI?

Mr. BANCROFT. Generally that is so. They didn't raise the question that way, you see, because the law does not require it. They said

the filing requirements, in order to use the National Labor Relations Board.

Mr. FISHER. You are familiar with the fact that Mr. Tyson, the Solicitor in the Labor Department, in answer to an inquiry from the Secretary of Labor, recently, and also Mr. Denham, general counsel for the National Labor Relations Board, have held that GSI is not required under the law to bargain with your union unless and until you comply with the law?

Mr. BANCROFT. No; I don't understand that. No; I don't understand that. I understand just the opposite.

Mr. FISHER. Did you listen to the testimony of those gentlemen here?

Mr. BANCROFT. No; I did not.

Mr. FISHER. Well, for your information, that is the opinion that they rendered; that is, that the GSI is not required, under the law, to bargain with your union, because your union is not recognized under the law as a bargaining agent, unless and until it complies with the law regarding the filing of non-Communist affidavits.

Mr. BANCROFT. If they said that, Mr. Fisher, and I have your word that they did, I believe that it is possible that a more careful reading of the law would show that the opposite is true.

Mr. FISHER. Are you an attorney?

Mr. BANCROFT. No; I am not an attorney, but I am conversant with the law.

Mr. FISHER. You are taking issue with the legal advice of Mr. Denham and Mr. Tyson, then, is that correct?

Mr. BANCROFT. I will express it this way, Mr. Fisher, that under the Taft-Hartley law, as well as under the Wagner Act, there is both a legal and a moral obligation for an employer to bargain with the union which represents the majority of its employees. The only question here legally involved is whether the union has a remedy, a legal remedy, before the National Labor Relations Board in order to force compliance through the NLRB, so that legally and morally any company must bargain with the union which represents its employees, regardless of whether that union chooses or does not choose to file the affidavits or financial statements required under the law for use of the services of the NLRB.

The only, the legal question goes only to the point of whether the union has a remedy before the NLRB.

Mr. FISHER. The legal advice to which I have referred is to the effect that the GSI has the privilege at its option of bargaining with your union, even though you do not conform with the law, but that under the law they are not required or obligated to do so. That is the law as interpreted by the best legal advice we have been able to get.

Mr. BANCROFT. I think in interpreting that language, we must also realize that that probably just means that the union has no legal remedy under the NLRB. That is true, I agree.

Mr. FISHER. You admit that it does not have any legal remedy.

Mr. BANCROFT. The union as such, but individual union members, yes; they have a legal remedy.

Mr. FISHER. You admit that the union as such is not entitled under the law to require the GSI to bargain in good faith with the union.

Mr. BANCROFT. No; but 1,400 strikers could file with the NLRB as individuals on unfair labor charges against this company, get recognition with the NLRB, despite the union not filing.

Mr. FISHER. You admit that the union is in no position, without having filed the affidavits, to require that the GSI bargain in good faith with you.

Mr. BANCROFT. I do not admit that. I admit that the union is not able to use the facilities of the NLRB, the union per se.

I do not admit that. I admit simply that the union is not able to use the facilities of the NLRB, the union per se.

Mr. FISHER. The evidence here presented to this committee has been that the GSI was willing all along before the expiration of your contract on January 1 to bargain with the union, but would not do so until the union first complied with the law, and filed the affidavits.

Mr. BANCROFT. That is the statement of the company.

Mr. FISHER. Yes; and they state now they are ready to bargain with the representatives of the workers in any election that can be held to determine who they want their bargaining representative to be, provided they comply with the law.

Mr. BANCROFT. Yes.

Mr. FISHER. Therefore, it becomes important to this committee in its investigation to know something about the officers, something about the reasons why they declined to sign those affidavits.

Mr. BANCROFT. That is inaccurate, sir.

Mr. FISHER. What?

Mr. BANCROFT. That is inaccurate.

Mr. FISHER. You mean it is inaccurate because the committee feels that they want to look into it?

Mr. BANCROFT. No, no; I mean the last part of your remark is inaccurate. Maybe if you rephrase it so that you said, why the union members instructed their officers not to use the facilities of the Taft-Hartley board, you would have the truth.

Mr. FISHER. The fact is that local No. 471 is not entitled under existing law, according to the legal advice that has been given, to bargain or to require that the GSI bargain with that union.

Mr. BANCROFT. That is not the fact.

Mr. FISHER. Unless they conform with the law, and the officers sign the non-Communist affidavits.

Mr. BANCROFT. That is not the fact. It is not specific enough. The union is not entitled to use the facilities of the NLRB. That is very accurate, sir, I submit. That is very truthful and accurate. I will agree with that. But let us not broaden it so that it gets distorted, and so that there is not a fair understanding of the real position of these 1,400 Negro workers.

Mr. FISHER. Well, there are 1,400 Negro workers you refer to—

Mr. BANCROFT. Negro, I said.

Mr. FISHER. They are out of work at this time, are they not; they are on strike?

Mr. BANCROFT. That is true.

Mr. FISHER. There is no contract at this time between your union and the GSI.

Mr. BANCROFT. That is true, Mr. Fisher.

Mr. FISHER. And there is no bargaining going on between your union and the GSI at this time, is there?

Mr. BANCROFT. That is true, Mr. Fisher.

Mr. FISHER. And as I have said, the GSI has publicly stated here under oath that it is ready to bargain with any union or any representative designated by the workers themselves.

Mr. BANCROFT. I don't know what they said under oath. I was not present, Mr. Fisher. But I read something about their remarks.

Mr. FISHER. That is the statement they made.

Mr. BANCROFT. They said many things.

Mr. FISHER. Therefore, in connection with an investigation of this kind, it is important that we know something about the officers of this organization which might reflect some reason for their refusal to sign the affidavit.

Mr. BANCROFT. Why do you persist in making that inaccurate statement, Mr. Fisher? I have explained it, and you have not contested it.

Mr. FISHER. You are a graduate——

Mr. BANCROFT. I would like to say at this point that I appeared at this hearing, if you will permit me the opportunity to make this statement, Mr. Fisher, to provide you with facts that had to do with the strike of 1,400 Negro workers against Government Services, Inc., to indicate to you the reasons for it, the reason for membership action of our union, to indicate to you the history of the relations of our union with Government Services, Inc., and they have existed over a period of 10 years, though with difficulty, and to indicate to you that I have been disturbed frankly, because I had the feeling that a congressional committee would not use some of the tactics which have been used here in not discussing those issues relevant to the strike, not seeming seriously concerned about the fact that 1,400 Negroes have been deprived of their livelihood because of a capricious and arbitrary action on the part of an employer whose history is replete with such capricious and arbitrary actions in the past, and I have been seriously disturbed by it.

Mr. HOFFMAN. Will you yield to me just a minute?

Mr. FISHER. I yield.

Mr. HOFFMAN. You said all of that. But it may be that some people disagree with you as to why these particular people are out of employment. Other Negroes have taken their places. You are talking about the committee going into the causes of the strike and the unjust actions of GSI. Do you not realize that the Congress passed the law and created a Conciliation Service expressly for the purpose of enabling people who are unions to bargain collectively?

What I am trying to make out is that you are asking this committee to inquire into the merits of your strike. We have no authority to do that. That is a Conciliation Service business to try to get them together.

But you will not avail yourselves of that service. You are in the wrong place for conciliation.

Mr. BANCROFT. I think you misunderstand me, Congressman. I think you misunderstand me.

Mr. HOFFMAN. I think that is all I wanted to call to your attention.

Mr. FISHER. Pursuing that further, the 1,500 people are out of work; there is no contract—twelve or thirteen hundred people, whatever the number referred to, because there was no bargaining between the GSI and your union. There was no bargaining between the GSI

and your union, according to them, because the officers of your union declined to file the non-Communist affidavits.

Mr. BANCROFT. And, according to us, because they wanted to bust our union.

Mr. FISHER. And, therefore, because of our investigation of the strike, it is necessary to know something about the strike—it becomes pertinent that we know something about the officers and something about the reasons why they have not signed these affidavits.

Mr. BANCROFT. I don't understand that pertinency. All right, but I should think you would want to inquire about the membership actions of our union and the membership desires of our union, and I think first of all you would respect the sovereignty of this organization in making its own decisions and carrying out its own policies.

Mr. FISHER. You have been president of what was known as the American Student Union, have you not, in the past?

Mr. BANCROFT. That question falls entirely, I think, outside of the purview of the matters that are relevant to this strike.

Mr. FISHER. We think it is very relevant to know why the officers of this union have not seen fit to comply with the Taft-Hartley law and make available to the——

Mr. BANCROFT. Mr. Fisher, may I——

Mr. FISHER. To the twelve or thirteen hundred people——

Mr. BANCROFT. May I interrupt to ask why you insist on stating inaccuracies?

Mr. FISHER (continuing). And have the benefit of the NLRB.

Mr. BANCROFT. May I ask that question; why do you insist on making that reference that way?

Mr. FISHER. You may answer this question. Have you been president of the American Student Union?

Mr. BANCROFT. You see, that is the same question in just other words. I don't see that it has any relevancy or any bearing on these hearings.

Mr. FISHER. What is your answer?

Mr. BANCROFT. What I have done, what I stand for, what Dick Bancroft feels and thinks, the actions that he takes, are a matter of public record. They are not anything that has to be probed for.

Mr. FISHER. It seems from the investigation we have been making that that may be linked very closely to the welfare of these people who have been put out of work.

Mr. BANCROFT. Are you saying, sir, that the membership of our union cannot think for itself?

Mr. FISHER. Have you at any time in the past been president of the American Student Union?

Mr. BANCROFT. That is the same question, sir.

Mr. FISHER. Yes. It has not been answered.

Mr. BANCROFT. Well, I answered the question by saying that I did not consider that relevant to my testimony before this committee.

Mr. FISHER. Do you or do you not refuse to answer that question?

Mr. BANCROFT. Are you asking for a "yes" or "no" answer?

Mr. FISHER. Yes.

Mr. BANCROFT. My answer is that I will not answer that question since it has nothing to do with the matters that we are concerned with. I am a man who is busy running a strike and trying to win one. We intend to——

Mr. FISHER. Then you decline to answer that question?

Mr. BANCROFT. That is your language, but I have said I will not answer the question, Mr. Fisher, for the reasons that I have given.

Mr. FISHER. For your information, if you do not know, the American Student Union has been cited, of which I understand you have been president, has been cited as a Communist-front organization by the following groups: A Massachusetts committee studying that subject; a New York committee studying that subject; a California committee studying that subject; the Un-American Activities Committee of the House of Representatives, and the United States House of Representatives Committee on Appropriations.

Now, another question. Were you a speaker at a Labor Day meeting on the afternoon of May 1, 1941, against war and against capitalism?

Mr. BANCROFT. That question is in the same category, Mr. Fisher.

Mr. FISHER. Do you decline to answer that question?

Mr. BANCROFT. It is part of the smear.

Mr. FISHER. Do you decline to answer that question?

Mr. BANCROFT. I won't answer a question which has nothing to do with this strike. That is what I am concerned about. I am a strike leader in this situation.

Mr. HOFFMAN. You have taken the same position that the preceding witness did, that the committee, it is none of the committee's business?

Mr. BANCROFT. I have not said that.

Mr. HOFFMAN. There are several organizations in this country which have been designated by the Attorney General of the United States, presumably acting as head of the Department of Justice, on the information furnished by the FBI and also designated by other organizations, as being communistic organizations; that is, organizations which advocate the overthrow of this Government by force.

You do not advocate the overthrow of the Government by force.

Mr. BANCROFT. I do not. I know of no Negro that advocates the overthrow of the United States Government.

Mr. HOFFMAN. Do you not think that your membership, some of whom are in the room, and the public generally, are entitled to know whether you have been affiliated with these organizations which have been identified as organizations advocating the overthrow of the Government by force?

Mr. BANCROFT. My membership knows everything about Bancroft—about Dick Bancroft, their president.

Mr. HOFFMAN. Do you think the press sitting here, which has a great deal to do with the settlement of these strikes through molding public opinion, should know whether or not you belong to an organization, or have been affiliated with an organization, which advocates the overthrow of the Government by force? Do you not think the press should know?

Mr. BANCROFT. The press should know whether I am a loyal American.

Mr. HOFFMAN. Yes.

Mr. BANCROFT. I will tell them I am a loyal American.

Mr. HOFFMAN. You refuse to answer the question as to whether you are now——

Mr. BANCROFT. Your questions don't go to that point, Mr. Hoffman.

Mr. HOFFMAN. Yes; he is asking you now—Mr. Fisher has been asking you.

Mr. BANCROFT. Those questions don't go to that point.

Mr. HOFFMAN. Oh, yes; they do.

Mr. BANCROFT. Secure my record in the Marine Corps, in the Pacific, on Okinawa, and Saipan.

Mr. HOFFMAN. I am familiar with that stock excuse.

Mr. BANCROFT. It is not a stock excuse.

Mr. HOFFMAN. Men who were drafted——

Mr. BANCROFT. Find out my record in this if I lifted a hand against my country. No one challenges my integrity in that respect.

Mr. HOFFMAN. These three agencies do.

Mr. BANCROFT. They don't challenge my integrity.

Mr. HOFFMAN. The Department of Justice challenges the loyalty of people who adhere and give aid and comfort to organizations which advocate the overthrow of our Government.

Mr. FISHER. One more question.

Are you a member of the United Negro and Allied Veterans' Organizations?

Mr. BANCROFT. That is in the same category, Mr. Fisher.

Mr. FISHER. For your information, that is an organization that has recently been listed by the Attorney General as an affiliate of the Communist Party in this country.

Do you decline to answer that question?

Mr. BANCROFT. It is in the same category of the others.

Mr. FISHER. Do you decline to answer it?

Mr. BANCROFT. That is your language again. I will say I will not answer such a question, because it has no bearing on this strike.

Mr. FISHER. And then on August 6, 1946, were you a speaker at Lincoln Memorial here under the auspices of the District of Columbia Chapter of the Southern Conference for Human Welfare?

Mr. BANCROFT. That also falls in the same category.

Mr. FISHER. In other words, you decline to answer that question.

Mr. BANCROFT. Yes; I decline to answer.

Mr. FISHER. That organization, by the way, was listed by the House Committee on Un-American Activities as a Communist-front Organization.

And were you on July 31, 1946, a speaker at the Peoples Congregational Church in Washington on a program that was under the auspices of the National Negro Congress?

Mr. BANCROFT. That is in the same category, too, Mr. Fisher.

Mr. FISHER. Do you decline to answer that question?

Mr. BANCROFT. That is true. I decline to answer the question on the grounds that I have mentioned.

Mr. FISHER. Do you know that the National Negro Congress has been cited as a Communist-front organization?

I will ask you one further question.

Did you attend a meeting of the Washington Council of the American Youth Congress of the Phyllis Wheatley YWCA? Have you attended a meeting of that kind?

Mr. BANCROFT. I don't recall.

Mr. FISHER. For your information, the American Youth Congress has been cited by the Attorney General of the United States, Mr. Clark, and by former Attorney General Biddle, and by the Committee on Un-American Activities of this House, by the Massachusetts committee of the same nature, and by the House Committee on Appropriations, and the California committee, and others, as a Communist-front organization?

And were you a speaker before the Washington Council of the National Negro Congress at Tenth and U Streets in Washington on August 6, 1942?

Mr. BANCROFT. That is in the same category. Maybe I could answer something—some of these questions—by saying that I have always spoken out against lynching, the poll tax; I have spoken out for the freedom of the Negro people. I have spoken against the denial of the right of Negroes to vote in many Southern States, including your State, Mr. Fisher—in Texas.

Mr. FISHER. Do you decline to answer the question I asked you?

Mr. BANCROFT. Yes; that is in the same category, sir, as the other questions.

Mr. FISHER. That is all.

Mr. SMITH. Whom do you succeed as president?

Mr. BANCROFT. I succeed a Mr. White.

Mr. SMITH. What was the issue when you were elected and he was defeated?

Mr. BANCROFT. There was no issue, sir.

Mr. SMITH. There was no issue?

Mr. BANCROFT. He did not run.

Mr. SMITH. He just did not run. Do you know whether the matter of communism entered into that at the time he just quit?

Mr. BANCROFT. That question, you know, has those imputations again.

Mr. SMITH. Yes, I know; I know. You do not like to hear that word "communism."

Mr. BANCROFT. That is the kind that has nothing to do with this, not only this hearing, but also interferes, I think, in an area that is personal.

Mr. SMITH. Well, of course, when you take that attitude about that question, why, we have a right to draw some conclusions from it, I suppose.

When you had this vote out there——

Mr. BANCROFT. Pardon me. I would like to consult with counsel on that question.

Mr. SMITH. All right; go ahead.

Mr. FORER. Would you mind restating it?

Mr. BANCROFT. On his last question. What is your name?

Mr. SMITH. Smith.

Mr. HOFFMAN. General Smith. He served in the war, too.

Mr. BANCROFT. General Smith.

Mr. HOFFMAN. You are not the only one who served in the war.

Mr. BANCROFT. I am sure of that. There were many millions of them in the war.

Mr. HOFFMAN. He served in two of them.

MR. SMITH. My question was when you said you would not answer that question as to when you were elected out there, the question involved, I asked you whether or not the matter of communism was one of the factors in why he got out, and did not run again, and you said that that was the same kind of a question. And now that is all right if you want to take that attitude.

MR. BANCROFT. Let me put it this way. When I ran for office my name was the only one on the slate.

MR. SMITH. I can understand that.

MR. BANCROFT. So that there were no issues; there were no issues in my election to office. I was elected unanimously. Of course, with only one person on the ballot, that is pretty self-evident. The former president had resigned from the union prior to my election. His stated reason for resignation was that the press of other duties prevented him from carrying on any longer.

MR. SMITH. Is he a member of the union now?

MR. BANCROFT. No; he is not.

MR. SMITH. Resigned?

MR. BANCROFT. No; he did not resign.

MR. SMITH. He just quit?

MR. BANCROFT. He left the field—he left the industry; no longer employed in the food industry, so far as I know.

MR. SMITH. That is all.

MR. HOFFMAN. You stated that you did not believe in the overthrow of this Government by force. Inasmuch as you do not believe in that, just why do you decline to deny membership in or affiliation with organizations which do advocate the overthrow of the Government by force?

MR. BANCROFT. Simply because I think there is a basic constitutional question involved here. I think it goes to my right as an individual to have conscience, individual conscience. I believe since I am a representative of over 3,000 people in the union, and since the members of this union are in the main Negroes, and since they are—they are very zealous about their constitutional rights, including the thirteenth, fourteenth, and fifteenth amendments, that I ought as their representative to act as best I can in defense of the Constitution.

I believe that I have a constitutional right, sir, not to answer that question.

MR. HOFFMAN. Do you believe that the public generally has a right to know the individuals who do advocate the overthrow of the Government by force?

MR. BANCROFT. I think that if the person commits a treasonable act against the United States Government, then he should be dealt with severely.

MR. HOFFMAN. No, no. Of course, if he gets caught at it there is no question about it. Do you believe that the public—for instance, your neighbors and friends, my neighbors and friends—have the right to know whether you or I advocate the overthrow of the Government by force?

MR. BANCROFT. You see, some of your questions are such that—

MR. HOFFMAN. That is a very simple question.

MR. BANCROFT. You might get this idea of guilt by association, guilt by association, and your questions, you see, Mr. Hoffman, have all been related to this one idea.

Mr. HOFFMAN. But this question I am asking you now—

Mr. BANCROFT. So that I don't feel that I am acting as a person who wants to safeguard the Constitution, on the one hand, or one who has the courage to take a position based on the Constitution or act in the best interests of the strikers and the members of my union by answering such questions.

Mr. HOFFMAN. Have you finished?

Mr. BANCROFT. Yes; I have finished, Mr. Hoffman.

Mr. HOFFMAN. I will ask you this question: Do you believe that the public has the right to know the names of those who advocate the overthrow of the Government by force?

Mr. BANCROFT. I am not sure I understand how you mean. You mean if someone had a list, and should that list be made public?

Mr. HOFFMAN. No. If I advocate and if I am trying to overthrow this Government by force, do you think my colleagues on this committee, for example, the constituents in my district have the right to know that?

Mr. BANCROFT. If anyone is guilty of any crime, then it is the responsibility of the law-enforcement agencies to apprehend that person and to charge him, to try him, in a court of his peers, with a jury, with witnesses, the right to cross-examine those witnesses, the right to testify in his own behalf, and so on, and I think all of those things go with the question you raise.

Mr. HOFFMAN. You said here that you represent 3,000 individuals. Do you believe that they have the right to know whether you belong to an organization which advocates the overthrow of this Government by force?

Mr. BANCROFT. The membership of my union has a right to know whether I am a loyal American citizen or not, certainly.

Mr. HOFFMAN. No, no. Do you think they have a right to know whether you belong to the Communist Party?

Mr. BANCROFT. The membership of my union has a right to know everything that it can possibly learn of me, and everything that they are interested in, but they are not interested, Mr. Hoffman; you are the only one who is interested in those questions. They know my loyalty. They know my honesty and my integrity.

Mr. HOFFMAN. Yes; but they do not know—

Mr. BANCROFT. And they elected me as their leader on the basis of it.

Mr. HOFFMAN. They do not know whether you belong to the Communist Party, and you were summoned here, and refuse under oath to deny that you belong to that party.

Mr. BANCROFT. I am appearing voluntarily. I have not been summoned. I am appearing here voluntarily. I do not want to become part of a union-busting campaign.

Mr. HOFFMAN. We know all of that. I hope your members who are here now know that you refused to deny that you belonged to an organization which advocates the overthrow of the Government by force.

Mr. BANCROFT. My members know that I am defending their rights in the best way I know how, and that I have in the past and will continue in the future, when they go back to work, I will defend their interests—and they will be back, Mr. Hoffman. They are not former

employees. They are present employees, and they will continue to be employees.

Mr. HOFFMAN. You and the other officers continue to follow the course that you have, and it may be a long, long time before they—the workers—go back to work in these Government cafeterias. And if they do stay out a long time, you will have plenty of time thereafter to think over whether you were not to blame.

Mr. BANCROFT. You see, Mr. Hoffman, you misconstrue, and I wonder why, because we have explained that it is not the course of the officers; it is the course of the membership of this union and you have a right to talk to them.

Mr. HOFFMAN. By the way, let us go back to that now; give us the names, now—you have had plenty of time—of those who have the records——

Mr. BANCROFT. I have been on the stand since.

Mr. HOFFMAN. Of this meeting where you voted on it.

Mr. Klein suggests that you bring before the committee the records themselves. Can you bring them up this afternoon?

Mr. BANCROFT. No; I am not certain about that, Mr. Hoffman. I am not certain whether——

Mr. HOFFMAN. Will you come back this afternoon and bring us—have you the trustees or whoever has custody of those?

Mr. BANCROFT. There are working people, Mr. Hoffman. They have to work.

Mr. HOFFMAN. Yes; I know.

Mr. BANCROFT. When is the hearing going to reconvene today?

Mr. HOFFMAN. We would like to finish up, but we would like the union's records of this meeting where the membership voted on this question.

Mr. BANCROFT. I am not personally empowered to provide those.

Mr. HOFFMAN. This afternoon, Mr. Klein and Mr. Fisher suggest have your people up here at say, what time do you gentlemen want to hear it?

Mr. FISHER. 2 o'clock.

Mr. HOFFMAN. Will that give you time enough?

Mr. BANCROFT. I have indicated that I am not personally empowered.

Mr. HOFFMAN. We have had that difficulty right here for 2 weeks trying to find some officer of your union who had possession of the records. We sent officers down there with subpoenas prepared to fill in the names of the officers, but we have not been able so far to get them. You are the president, are you not?

Mr. BANCROFT. Yes; that is true.

Mr. HOFFMAN. Who is the vice president?

Mr. BANCROFT. Mrs. Rose Randolph.

Mr. HOFFMAN. Who is the secretary?

Mr. BANCROFT. That is the point I wanted to explain before, Mr. Hoffman, that you would not let me explain. We elected a secretary last January.

Mr. HOFFMAN. What?

Mr. BANCROFT. We elected a secretary last January, and soon after her election, her mother became very ill, and she had to leave and go home. Since that time we have been using various persons.

Mr. HOFFMAN. Who is the secretary of this meeting where the vote was taken, do you know?

Mr. BANCROFT. That is why I told you I didn't know.

Mr. HOFFMAN. Do you not see how the thing is open to suspicion?

Mr. BANCROFT. It is not open to suspicion.

Mr. HOFFMAN. Every organization that has 1,500 members should have records of their doings.

Mr. BANCROFT. Well——

Mr. HOFFMAN. If you will get them up here at 3 o'clock——

Mr. BANCROFT. Wait.

Mr. HOFFMAN. Then suspicion is out of the window.

Mr. BANCROFT. There are no suspicions.

Mr. KLEIN. Were there any minutes taken of that meeting?

Mr. BANCROFT. I think that there were.

Mr. KLEIN. Would it be difficult for you to find out between now and 2 o'clock as to whether the minutes were taken, and where they are, and either have the person or the minutes, I assume the committee wants to see some record of the fact that a meeting was held.

Mr. BANCROFT. There is the possibility that I may not be by 2 o'clock, be able to have them.

Mr. HOFFMAN. Make it 3 o'clock.

Mr. BANCROFT. I am stating that I have no objection to seeking them out personally.

Mr. HOFFMAN. With the understanding then that you will make an effort to be here, and that you will be here——

Mr. BANCROFT. You want me here at 2?

Mr. HOFFMAN. At 3 o'clock. That gives you a little more time, do you not see? Did you sign a contract with the people over in the cafeteria, your union sign a contract?

Mr. BANCROFT. With what people and what cafeteria?

Mr. HOFFMAN. Pentagon.

Mr. BANCROFT. A contract was agreed upon.

Mr. HOFFMAN. Is it a signed contract?

Mr. BANCROFT. I don't think it is a signed contract, as a matter of fact. There is an initialed memo——

Mr. HOFFMAN. Have you that?

Mr. BANCROFT. Which is the basis for a signed contract. I do not have it.

Mr. HOFFMAN. You are bargaining agent; have you that?

Mr. PALMER. We have a copy, Mr. Hoffman. It is the initialed draft. It has not been signed. It has been submitted to us for approval.

Mr. HOFFMAN. Has it been agreed upon?

Mr. PALMER. It has been agreed upon.

Mr. HOFFMAN. Will you bring that in, too, at 3 o'clock this afternoon?

Mr. PALMER. I can do that.

Mr. HOFFMAN. We want to see the provisions of that, please.

Mr. KLEIN. May I question this witness?

Mr. HOFFMAN. Yes.

Mr. KLEIN. Your name is Bancroft?

Mr. BANCROFT. That is right, sir.

Mr. KLEIN. Mr. Bancroft, I assume from the questions asked here that it is the intention or the desire of the committee to bring out the fact that you are either a member of the Communist Party or member of some Communist-front organizations for the purpose only, I think, of arriving at a reason why these non-Communist affidavits were not filed, and that becomes important to this committee, as I understand it, because the GSI officials have stated here that the reason this strike has not been settled, and the reason that they do not want to bargain with the union is because that affidavit was not filed. Is that a correct statement?

Mr. HOFFMAN. So far as it goes. And then the committee is also interested in inquiring whether or not those provisions that are contained in the Taft-Hartley Act should be repealed and whether it would be of advantage to repeal them.

Mr. KLEIN. Therefore, I will concede the committee has a perfect right to go into those facts, because it deems them to be relevant.

I am not your attorney, and you have your own lawyers. You can either answer or refuse to answer the questions. Of course, everybody knows that inferences can be drawn from your refusal to answer. I take no position on that.

As I stated here last night, I am not a member of this subcommittee. I am a member of the full committee. I am interested in helping these people to settle this strike. I hope the other members are as well. And the questions that I am to ask you are simply all directed at that same end, and you can refuse to answer them if you will. I ask them in all sincerity and friendliness. You do not mean anything to me personally nor do the officials of your union. I am trying to help the people. I do not care what your political views are.

Somebody asked me here last night, some reporter, as to whether I knew that this union was a Communist front organization. I said I did not care what the union was. I do not care what their political views are. I do not care what yours are. I want to help these people.

I think you have made it very clear if the membership wants to, they can call a meeting, and if I am not correct, correct me, they can call a meeting this afternoon or tomorrow to vote you or any of the other officials out of office if you refuse to sign that affidavit.

Is that not a fact?

Mr. BANCROFT. That is true.

Mr. KLEIN. That is open to the union. The union can do it. Other unions have done it.

Now, Mr. Fisher made a statement here, I think perhaps he was mistaken, or else he did not go far enough. I think Mr. Fisher, you stated that Mr. Tyson and Mr. Denham, who testified here, stated that the failure to file this affidavit, I do not recall whether you worded it that way, gives the employer, the GSI in this case, the right to refuse to bargain with these people. Is that what the statement was that you made?

Mr. FISHER. That is correct.

Mr. KLEIN. I am sure you did not mean it the other way, that the fact that they failed to file that means that the GSI or the employer does not have to bargain with this union.

Mr. FISHER. The ruling has been consistently by all of the attorneys that have been consulted that the failure to sign the non-Communist

affidavits by the officers of the union relieves the GSI of any legal obligation to bargain with the union. They still have the privilege of doing so, but it is at their own election, and at their own option.

Mr. KLEIN. Well, then, in other words, I think to carry it a step further, what you mean is that this union could not then charge them before the NLRB with an unfair labor practice in their refusal to bargain.

Mr. FISHER. That is correct.

Mr. KLEIN. It does not mean, and I think the officials made it clear, that the mere failure to sign this affidavit is a directive to the employer not to bargain collectively. I do not think it applies both ways. I did not know which way your question was directed to.

Incidentally, has the GSI ever questioned the fact that your local is the majority representative of the employees in this case?

Mr. BANCROFT. No, they have not.

Mr. KLEIN. Have you ever in the past, outside of this past contract, bargained, or has your union bargained with GSI?

Mr. BANCROFT. For the past 10 years, since 1930.

Mr. KLEIN. Never raised any question at all, is that so?

Mr. BANCROFT. That is true.

Mr. KLEIN. And now since the passage of the Taft-Hartley Act, the GSI officials have refused to bargain, is that correct?

Mr. BANCROFT. Yes, and more than that, on that point of representation, this company has always claimed that it was never covered by the NLRB. We have never been certified by the NLRB, even back in 1938, when the first election was conducted. It was conducted only informally, by the NLRB, and there was never a formal certification of our union as the bargaining agent.

Mr. KLEIN. Why was that?

Mr. BANCROFT. The company when confronted with the fact that a number of its employees had organized into a union of their own choosing and submitted the demand that the company bargain, found that the company would not recognize their union, and the union then held several meetings, and made demands, further demands that the company bargain, and the company refused, whereupon the union sought the assistance of certain Government officials in the Department of the Interior and so on, who were felt to have certain responsibilities for the operation of Government cafeterias, and it was on the suggestion and advice of some high Government representatives in the Department of the Interior that the company finally yielded and decided that there would be an election conducted. This was, however, an informal election.

Mr. KLEIN. Which one are you talking about now?

Mr. BANCROFT. The one in 1938. The union won it by an overwhelming majority, won the election, but there was not a formal certification. In other words, the NLRB never said Government Services, Inc., or then Welfare and Recreational Association is under the jurisdiction of the Wagner Act, and therefore we are ordering an election. These are the results of the election. You must bargain with this union.

So that there was just a moral question once the election was held, a moral obligation on the part of the employer to bargain with the union.

That question, by the way, has never been determined whether this company is under the Wagner Act or was under the Wagner Act, or whether it is now under the Taft-Hartley law.

Mr. KLEIN. You mean because it is a Government-owned corporation; is that the reason?

Mr. BANCROFT. Well, that would be one of the factors.

Mr. FISHER. The GSI has now in the record here stated that they are subject to the Taft-Hartley Act, and are ready to operate under its terms.

Mr. BANCROFT. That statement, however, Mr. Fisher, and Mr. Klein, does not make them by virtue of that statement subject to the NLRB or the Taft-Hartley law.

I can state for the record that there is a possibility of doubt, there is a possibility of real question as to whether they are covered by the Taft-Hartley law.

Mr. KLEIN. It is possible, is it not, that the reason they claim coverage now is because they feel they may have some excuse for not settling the strike?

Mr. BANCROFT. That is the idea.

Mr. HOFFMAN. Assuming that to be true, these folks would be smart if they outgeneraled them by getting into it.

Mr. KLEIN. That is up to them. I am sure they can do it.

How long have you been president of this local?

Mr. BANCROFT. About a year and a half, Mr. Klein.

Mr. KLEIN. You were president while the old contract was in existence?

Mr. BANCROFT. That is right.

Mr. KLEIN. Have you ever, or any representative of your local, attempted to bargain with GSI before the expiration of this contract?

Mr. BANCROFT. Yes, we did.

Mr. KLEIN. In 1947?

Mr. BANCROFT. Yes, we did.

Mr. KLEIN. And how many times did you sit down across the table with their representatives?

Mr. BANCROFT. We have never been able to bargain with them this past year, 1948.

Mr. KLEIN. That is what I asked you.

Mr. BANCROFT. You asked whether we attempted.

Mr. KLEIN. Yes.

Mr. BANCROFT. We went to our first conference after giving them 60 days' notice. We notified them about the end of October of our desire to negotiate a new agreement, and sent our proposals. However, it was not until the end of November that we heard from the company, and they arranged a very hurried meeting; our negotiating committee reported to their offices where we sat down. We were prepared to discuss wages and hours and working conditions. This company, instead, a representative submitted a letter to us in which they said before they would proceed with collective bargaining, the officers of the local and international union must first file non-Communist affidavits with the NLRB, financial statements with the Secretary of Labor.

You know in the process of collective bargaining an employer does not have the right to tell a bargaining agent you must do so and so

before I will bargain with you. Otherwise an employer can say I won't deal with this negotiating committee because it is all Negroes, send me a white negotiating committee, and I will bargain with you. That is not legal under the Taft-Hartley law or under the old Wagner Act.

Mr. KLEIN. Do you know of any other employer with any other unions that refused to bargain collectively on the basis of the fact that this particular section of the Taft-Hartley law was not fulfilled and not obeyed?

Mr. BANCROFT. I do not know of any other.

Mr. KLEIN. Does counsel know of any? Do you know of any?

Mr. FORER. Would you mind repeating the question?

Mr. KLEIN. Do you know of any other organization that has refused to bargain collectively with the union representing its employees because of the reason given by GSI in this case?

Mr. FORER. I do not know of any.

Mr. BANCROFT. That is important, because 63 percent of the unions in this country, according to Secretary Schwollenbach, have not filed.

Mr. KLEIN. The steel workers have not filed. They are a very big union, are they not?

Mr. BANCROFT. That is true.

Mr. KLEIN. They are having a contract coming up very shortly, and it will be interesting to see whether the steel companies make the same objection. I do not know of any.

Mr. BANCROFT. Did I say 63 percent? I think it is 83 percent. It is 83 percent.

Mr. FISHER. Will you yield to me on that point? Mr. Schwollenbach also pointed out, and it is well known, that the majority of the unions never did operate under the Wagner Act, and they would not under this or any other act. They operated independently locally.

Mr. BANCROFT. With respect to GSI, this particular company, we have never filed a charge against them before the NLRB for unfair labor practices or for refusal to bargain. We have not used the NLRB for 10 years.

Now suddenly this company wants the union to get the benefits of the National Labor Relations Board under the Taft-Hartley Act. We say that there is something fishy about it.

Mr. FISHER. There are a lot of people think there is.

Mr. BANCROFT. You are right. You are right.

Mr. SMITH. Mr. Bancroft, did you say that your union had never been certified?

Mr. BANCROFT. Originally by the National Labor Relations Board for the Government Services, you mean?

Mr. SMITH. Yes.

Mr. BANCROFT. That is true. There was an informal election conducted, and we received the tally of the votes, and it was on that basis that the union has been dealing over 10 years.

Mr. SMITH. Do you know who Roth M. Madden is?

Mr. BANCROFT. I have heard of him.

Mr. SMITH. What position does he occupy?

Mr. BANCROFT. He is director of the fifth region of the National Labor Relations Board.

Mr. SMITH. And if in his files was a certification for your union, you would be surprised at that, would you?

Mr. BANCROFT. I would be; yes.

Mr. SMITH. We will adjourn until 3 o'clock.

(Whereupon, at 11:50 a. m., a recess was taken until 3 p. m., the same day.)

AFTERNOON SESSION

(Pursuant to the taking of the recess, the subcommittee reconvened at 3 p. m.)

Mr. HOFFMAN. The committee will come to order.

Mr. Boehm, will you be sworn? You solemnly swear that the testimony that you shall give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BOEHM. I do.

Mr. HOFFMAN. Will you identify yourself and your official position to the stenographer?

TESTIMONY OF ALBERT C. BOEHM, MANAGER OF PENTAGON POST RESTAURANTS, WASHINGTON, D. C.

Mr. BOEHM. My name is Albert C. Boehm, I am the manager of the Pentagon Post Restaurants.

Mr. HOFFMAN. And you have some sort of a contract you have entered into with some union?

Mr. BOEHM. Yes, sir.

Mr. HOFFMAN. Will you identify that?

Mr. BOEHM. Yes, sir. It is the draft of a contract dated January 2, for the calendar year 1948, between the National Food Corp., operators of Pentagon Post Restaurants, and local 471, United Cafeteria and Restaurant Workers. UPW. CIO.

The contract is not signed. It has been drafted, and is ready for signature.

Mr. HOFFMAN. That has been verbally agreed upon?

Mr. BOEHM. Yes, sir.

Mr. HOFFMAN. We would like to have that for the record, if you will furnish me one.

Mr. BOEHM. You may have this one.

(The draft of contract dated January 2, 1948, was marked "Exhibit No. 4" and filed for reference.)

Mr. HOFFMAN. That provides for the check-off?

Mr. BOEHM. Yes, sir.

Mr. HOFFMAN. How do you get a check-off in there without the use of the Taft-Hartley Act?

Mr. BOEHM. Well, compliance with the Taft-Hartley law is unnecessary in the case of a check-off, voluntary check-off by signed authorization of an employee.

Mr. HOFFMAN. So your employer's organization voluntarily agrees to the check-off.

Mr. BOEHM. Only upon the signed authorization of each employee. It is not mandatory.

Mr. HOFFMAN. Has each employee signed, agreed to a check-off?

Mr. BOEHM. Most of them have, yes, sir.

Mr. HOFFMAN. Have all of them?

Mr. BOEHM. No, sir.

Mr. HOFFMAN. Do you propose to take out their dues without an agreement from each individual?

Mr. BOEHM. Oh, no; no, indeed.

Mr. HOFFMAN. There is no union security in the contract.

Mr. BOEHM. No, sir.

Mr. HOFFMAN. You intend to comply with all of the provisions of the Taft-Hartley Act?

Mr. BOEHM. Yes, indeed.

Mr. HOFFMAN. That is all I care about.

Have you gentlemen any questions?

Mr. KLEIN. May I see that contract?

Mr. HOFFMAN. Surely.

You have not required the officials of the union to sign the affidavits required by the Taft-Hartley Act?

Mr. BOEHM. No, sir; we have not.

Mr. HOFFMAN. Who determines that policy?

Mr. BOEHM. National Food Corp.

Mr. HOFFMAN. Who are their officers?

Mr. BOEHM. Mr. Duries Crane is the president. The other officers I am uncertain about.

Mr. HOFFMAN. And they live where?

Mr. BOEHM. Mr. Crane is in Chicago.

Mr. HOFFMAN. That is on the theory that any individual can bargain with any other individual or any organization that he desires to do, if he desires to do so.

Mr. BOEHM. Well, as we interpret the law, there is no requirement for a labor union to comply with the Taft-Hartley law, so long as a question of representation does not occur, in this case we have had a contract with this union for 4 years, and there has never been any resort to the National Labor Relations Board before, and we foresee none now, and as we interpret the law, there is a duty upon us to bargain with them.

Mr. HOFFMAN. That is to say, there is nothing in the Taft-Hartley Act or any other act, so far as you know, which prohibits your organization from bargaining with any group that it desires to bargain with.

Mr. BOEHM. No, I would not say that. We can bargain with anybody we desire if they represent the majority of the workers.

Mr. HOFFMAN. Well, yes. How do you determine that? Not under the Taft-Hartley Act, do you?

Mr. BOEHM. No, sir, we determine that—

Mr. HOFFMAN. You cannot get an election, the union cannot get an election under the Taft-Hartley Act unless they comply with the provisions as to the filing of the affidavits.

Mr. BOEHM. That is right.

Mr. HOFFMAN. So you hold a voluntary election.

Mr. BOEHM. Yes, sir.

Mr. HOFFMAN. Do you know whether they held one or not?

Mr. BOEHM. I am sure they have.

Mr. HOFFMAN. That is all beside the point anyway.

Mr. BOEHM. That is right.

Mr. HOFFMAN. Because as I read the law, you can bargain with them anyway.

Mr. BOEHM. Yes, sir.

Mr. HOFFMAN. Whether they represent them or whether they do not.

Mr. BOEHM. We would want to make sure in our own minds at least that they did represent the workers.

Mr. HOFFMAN. But you could if you wish bargain with the Communist Party, could you not?

Mr. BOEHM. I don't think so.

Mr. HOFFMAN. Why not?

Mr. BOEHM. Well, I don't—

Mr. HOFFMAN. There is not anything in the Taft-Hartley law that says you cannot.

Mr. BOEHM. Well, they would have to be a labor organization, and I am not, I don't know what the Communist Party is.

Mr. HOFFMAN. You could bargain with anybody that the union wants to choose to represent them.

Mr. BOEHM. Yes; that is true.

Mr. HOFFMAN. And if they choose the Communist local here, you could bargain with that, could you not, so far as legally is concerned?

Mr. BOEHM. I assume so; yes, sir.

Mr. HOFFMAN. That is all.

Mr. FISHER. The employees out there working now are without a contract?

Mr. BOEHM. No; they are not, Mr. Fisher.

Mr. FISHER. Is there an existing contract?

Mr. BOEHM. Yes; this is the draft of the contract upon which we have a memo, written memo, simply saying that the terms of the old contract with certain changes are agreed to, and the changes are embodied in this contract.

Mr. FISHER. What was the expiration date of the old contract?

Mr. BOEHM. December 31, 1947.

Mr. FISHER. It expired at that time?

Mr. BOEHM. Yes, sir.

Mr. FISHER. Have the employees been working there since then?

Mr. BOEHM. Yes, sir.

Mr. FISHER. Without a contract.

Mr. BOEHM. No, sir; there is a contract.

Mr. FISHER. When did it become effective?

Mr. BOEHM. January 1.

Mr. FISHER. The one that you have referred to here became effective January 1.

Mr. BOEHM. Though it is not signed there is an interim memo covering the agreement.

Mr. FISHER. When was it agreed to?

Mr. BOEHM. December 31, 1947.

Mr. HOFFMAN. Mr. Klein.

Mr. KLEIN. This contract—what is your name, sir?

Mr. BOEHM. Boehm.

Mr. KLEIN. This contract, Mr. Boehm, is between your organization, National Food Corp., and the local 471?

Mr. BOEHM. Yes, sir.

Mr. KLEIN. Do you, National Food Corp., have any connection with GSI?

Mr. BOEHM. No, sir; we do not.

Mr. KLEIN. How many cafeterias do you operate?

Mr. BOEHM. Well, we operate——

Mr. KLEIN. I am talking now in the District here.

Mr. BOEHM. We operate those in the Pentagon Building, of which there are about seven, I think.

Mr. KLEIN. Any other buildings?

Mr. BOEHM. No, sir.

Mr. KLEIN. Mr. Hoffman asked you whether this union had had an election. Have any of the employees, any of your cafeterias complained that this particular local does not represent them?

Mr. BOEHM. No, sir; not one.

Mr. KLEIN. That is why you do not need an election, because you know that this local represents the employees.

Mr. BOEHM. No one has contested that.

Mr. KLEIN. That is all, Mr. Chairman.

Mr. SMITH. How many employees do you have?

Mr. BOEHM. Contract employees, sir, we have about 450.

Mr. SMITH. What do you mean when you indicated that there might be some that were not contract?

Mr. BOEHM. We have salaried employees who are not——

Mr. SMITH. Members of the union?

Mr. BOEHM. Yes, sir.

Mr. SMITH. Who determined the policy of this going ahead and signing up with this union?

Mr. BOEHM. Well, the members of the corporation.

Mr. SMITH. Do they meet here in Washington?

Mr. BOEHM. Yes, sir.

Mr. SMITH. Were you present when they met?

Mr. BOEHM. Frankly, there was a vice president of the corporation here during the period that these contract negotiations occurred, and as manager I consulted with him from time to time, and he consulted with the president of the corporation, and very largely the recommendations agreed upon between the vice president and myself were the policies followed by the corporation.

Mr. SMITH. Do you know whether there was any discussion of this communistic affidavit that is in discussion here?

Mr. BOEHM. Well, there was some discussion; yes, sir; in other words, of which I had knowledge because of my presence.

Mr. SMITH. That is all.

Mr. FISHER. Your organization, then, in dealing with unions such as in the instant case, does not go into the question of whether the union is Communist controlled or not in your bargaining relationships.

Mr. BOEHM. No, sir; we did not.

Mr. FISHER. You do not make a distinction in dealing with unions as to whether they are Communist controlled or not Communist controlled; is that correct?

Mr. BOEHM. That is correct. The only thing that we determine is whether they represent, in our opinion, the majority of the workers.

Mr. KLEIN. Mr. Boehm, is there any difference between your organization, the National Food Corp., and GSI, that you know of.

Mr. BOEHM. Any difference?

Mr. KLEIN. Yes; in the type of business that you do and the type of cafeterias that you operate.

Mr. BOEHM. Well, they follow pretty well along the same general lines.

Mr. KLEIN. Have you ever had any trouble with this particular local in labor relations?

Mr. BOEHM. Well, I don't know what you mean by "trouble." I have always found the union to be a responsible organization. Of course, we have trouble with them when they negotiate a contract with us; I mean trouble to the extent that——

Mr. KLEIN. They want to get as much as they can for their members; is that not true?

Mr. BOEHM. That is correct.

Mr. KLEIN. Which every labor union does.

Mr. HOFFMAN. They want to pay as little.

Mr. KLEIN. That is right.

Mr. BOEHM. We can't, to keep in the black, if possible.

Mr. KLEIN. I do not know whether you can answer this question. If you cannot, of course, you can refuse to answer it.

Do you know of any reason why—you people arrived at a contract—why GSI cannot arrive at a contract with this union?

Mr. BOEHM. Well, I do not think that would be in my province, Mr. Klein, to say.

Mr. FISHER. Of course, you yield to other employers the right to refuse to bargain with unions that are Communist controlled, if they want to.

Mr. BOEHM. Yes, sir.

Mr. FISHER. And you respect their right.

Mr. BOEHM. Yes, sir; that is their business. I mean they have to run their business as they judge to be in the best interests of the organization.

Mr. FISHER. Yes.

Mr. HOFFMAN. And your particular organization adopts the policy, or takes the position, that as far as it is concerned, if the officials represent the membership, you do not care whether the officials are Communists or members of the Communist Party or affiliated with the Communist Party, or not, do you?

Mr. BOEHM. We felt that the law required us under the provisions to bargain with them if they represented the majority of the workers, and that extraneous question which we felt to be extraneous was not the controlling or determining factor.

Mr. HOFFMAN. You say that, in your opinion, the opinion of your legal counsel, that the law requires you to bargain with these people or with the union; not with these people, with any union.

Mr. BOEHM. I would not say——

Mr. HOFFMAN. Even though they are Communists?

Mr. BOEHM. I can only say this, Mr. Hoffman—that I can't quote anybody's opinion excepting my own, having studied the act to some extent, that the act provides that it is an unfair labor practice not to bargain with the duly selected representatives of the workers, and that was the determining factor in our case.

Mr. HOFFMAN. Do you not know that the Department counsel, the Labor Department, or Mr. Denham, of the NLRB, has given an opinion to the effect that no employer can be required to bargain with a union until it has complied with these provisions as to the filing of an affidavit?

Mr. BOEHM. There is a distinction between being required to, a resort to some tribunal——

Mr. HOFFMAN. Surely.

Mr. BOEHM. And the plain contention of the law itself, which says it shall be an unfair labor practice. We choose to follow the letter of the law, regardless of whether there was any tribunal or board as to appeal to, because we have not in the past had to appeal to any board.

Mr. HOFFMAN. Will you put your finger on any provision in that law which requires you—places upon you, as an employer—the obligation to bargain with any union which has not complied with section 9 (h) there?

Mr. BOEHM. Section 8 has to do with unfair labor practices.

Mr. HOFFMAN. How can a union force an employer to bargain?

Mr. BOEHM. They can't.

Mr. HOFFMAN. That is what I have been talking about.

Mr. BOEHM. They can't force you to do it.

Mr. HOFFMAN. Of course they cannot, and no legal obligation to bargain at all, and your organization adopts the policy that you would just as soon bargain with an organization controlled by Communists as not.

Mr. BOEHM. We have no evidence as to who controls what.

Mr. HOFFMAN. You have no evidence?

Mr. BOEHM. I mean we haven't any.

Mr. HOFFMAN. Do you not know that the officers of this organization have been accused of being affiliated with organizations which are classified as Communist fronts by the two Attorneys General of the United States?

Mr. BOEHM. I don't know. I am not acquainted with that specific fact; no, sir.

Mr. HOFFMAN. I suggest that you look it up. If your organization—that is your business, if you want to bargain—what is the legal name of your organization?

Mr. BOEHM. National Food Corp.

Mr. HOFFMAN. If National Food Corp. wants to bargain with Communists, that, of course, so far as I know—there is no law against it; and if you wish to make that your policy, that is all right.

Who are the officers who determine the policy? And give me their addresses. We would perhaps like to know what their policy is.

Mr. BOEHM. Mr. Duries Crane is the president of the corporation.

Mr. HOFFMAN. And his address is what?

Mr. BOEHM. The Palmer House, Chicago.

Mr. HOFFMAN. Any other officers?

Mr. BOEHM. I am not certain.

Mr. HOFFMAN. Is it a nonprofit organization?

Mr. BOEHM. No; it is a profit organization.

Mr. HOFFMAN. You do not divide your profits with the Government?

Mr. BOEHM. Frankly, I have no knowledge of the contractual relations between the company.

Mr. HOFFMAN. You know that the GSI is required to pay over a certain part of its profits to the Federal Government, do you not?

Mr. BOEHM. I don't have any knowledge of their contract either, sir.

Mr. HOFFMAN. You do not know anything about that. You are a competitor of that organization, are you not?

Mr. BOEHM. Yes. I mean we like to think we are.

Mr. HOFFMAN. How is that?

Mr. BOEHM. We were laughing about that a little while ago. Frankly, I don't know whether we are.

Mr. HOFFMAN. Your company is in for what there is in it, to make a profit, is it not?

Mr. BOEHM. Yes.

Mr. HOFFMAN. To make a profit, you have adopted a policy of dealing with an organization, even though its leaders have been charged with being Communists, and without any investigation as to determining whether they were or not, have you not?

Mr. BOEHM. I would not say that we had determined that as a policy; no, sir.

Mr. HOFFMAN. That is your policy in this particular instance, is it not?

Mr. BOEHM. Our policy was to bargain with this union in this case.

Mr. HOFFMAN. How is that?

Mr. BOEHM. Our policy was to bargain with them.

Mr. HOFFMAN. You know its officers have been charged with being associated with Communist-front organizations, do you not?

Mr. BOEHM. I have so heard.

Mr. HOFFMAN. Yes; and you have made no investigation to ascertain whether that was true or false, have you?

Mr. BOEHM. No, sir.

Mr. HOFFMAN. So it boils down to the fact that you are disinterested and have no concern as to whether the people with whom you are dealing are associated with those who advocate the overthrow of the Government by force, or whether or not so associated; that is true, is it not?

Mr. BOEHM. I would not make that conclusion or that—

Mr. HOFFMAN. What other conclusion can we arrive at? Here you are cognizant of the fact that the officials of this organization have been accused of being associated with organizations, or members of organizations, which are affiliated with the Communist Party. Nevertheless, you go ahead and sign a contract with them, as is your right legally. Well, does that not indicate that you are not concerned as to whether they are Communists or whether they are not?

Mr. BOEHM. I think that is an argumentative and controversial question, and I don't personally feel qualified to answer that, Mr. Chairman.

Mr. HOFFMAN. All right. If you will give Mr. Reiman the list of the officers and their places of residence, and so on.

Mr. BOEHM. I will be glad to.

Mr. HOFFMAN. One of the members of the committee desires to have them.

You are in the State of Virginia, are you not?

Mr. BOEHM. Yes, sir.

Mr. HOFFMAN. Have you taken into consideration in making your contract the provisions of that State?

Mr. BOEHM. Yes, sir.

Mr. HOFFMAN. The statutory provisions?

Mr. BOEHM. Yes, sir.

Mr. HOFFMAN. You think you are well within the law there?

Mr. BOEHM. I think so; yes, sir.

Mr. HOFFMAN. I think that is all. Thank you.

Mr. BOEHM. Thank you.

Mr. HOFFMAN. Mr. Bancroft, I think, was going to furnish us with some more information.

TESTIMONY OF RICHARD A. BANCROFT—Recalled

Mr. SMITH. This morning when you were here, we asked you to search for the copy of the minutes in which this matter of what the attitude of your union was going to be toward the Taft-Hartley Act. Have you made that search?

Mr. BANCROFT. Yes, sir; I have sought to locate the records, sought to locate the minutes that were recorded at the meeting where the action was taken by the membership, which I have heard this morning did take place. I have been able to find handwritten notes of the meeting, and turn them over to you for your perusal.

Mr. SMITH. Who wrote this?

Mr. BANCROFT. I am not certain. However, the handwriting looks like the handwriting of one of our organizers. As I indicated this morning, our regular secretary has not been with us, the one who was elected last year, because of illness in her mother's family—illness of her mother—and at meetings of the membership we have found it necessary to call on various people to record the minutes; and I think that those minutes are in the handwriting of one of the organizers of our union.

Since that time, of course, there have been a number of actions taken. There was a resolution adopted, for example, at a meeting that was reported in the press of December 13, in which there was general indication that the employees of Government Services were not seeking the services of the National Labor Relations Board—did not want the services of the NLRB in this instance. That is the instance where the membership instructed the officers to do everything necessary to settle the dispute, including calling of the strike.

Mr. SMITH. Is that the way all of your minutes are kept?

Mr. BANCROFT. No; minutes are ordinarily taken in longhand, not in shorthand, by an individual member of our union; and then subsequently they are supposed to be transcribed—they are supposed to be typed—and then they are to be signed by the person. I have not been able to find a typed copy of those minutes.

Mr. SMITH. Do you not keep a minute book out there?

Mr. BANCROFT. We have. That has been the practice of our permanent secretaries. However, as I indicated, we have not had a permanent secretary for some time, and it is apparent that there has been some looseness in terms of strict, neat filing of those minutes, at least.

Mr. SMITH. When did you start not keeping minutes?

Mr. BANCROFT. We have not stopped keeping minutes.

Mr. SMITH. I know; but you do not have them in a neat folder, typewritten.

Mr. BANCROFT. Well, that does not have any special meaning, General Smith. It simply means that in—except that it means that in our organization often there is not the kind of office efficiency, for example, that you might find in a large corporation or in a large business.

Mr. SMITH. I do not care anything about a large corporation. I have been a member of groups where there were only 35 or 40 members, and they always keep typewritten records, and they are approved, and

the date, and signed by the secretary and signed by the president, and then approved at the next meeting.

Mr. BANCROFT. Our minutes have never been signed by the president. They were simply signed by the person who took the minutes, and then they were read at the subsequent meeting, and approved.

Now, the presumption is that they are recorded in such a way that they are part of a permanent record. However, that has—seems not to have been done in that particular instance.

Mr. SMITH. You have had a course in Robert's Rules of Order and how to conduct meetings, have you not?

Mr. BANCROFT. Surely, I haven't had a course; I know how to conduct a meeting.

Mr. SMITH. You have had instruction in that.

Mr. BANCROFT. I know how to conduct a meeting.

Mr. SMITH. You know that it talks in there about keeping permanent records and records of things that go on in all of the meetings, do you not?

Mr. BANCROFT. That is true.

Mr. SMITH. And yet you say here is an organization of some 3,000 members that you keep records like this.

Mr. BANCROFT. No; I say that that particular record is that way.. You see what would happen, I mean just to take ordinary procedure, what would happen in our union would be that at the end of a year, I would make a report to the organization on the various aspects of the union's work, and I would be critical of a situation in our union where our minutes were not kept.

Now, that would not have been called to my attention ordinarily. There would be no way that it would be. I would have no way of knowing on a day-to-day basis whether a permanent neat record was being kept, but when I made an annual report to the membership, then all aspects of the union's work would be gone into.

For example, we assume that our finance officers do their job a certain way. I can't possibly check on a day-to-day basis to see whether that is done. However, when something would be noticed for some reason or another, then I would check into it. I would look into it and see about it.

Mr. SMITH. You do not keep financial records, then.

Mr. BANCROFT. No, we do not.

Mr. SMITH. Why?

Mr. BANCROFT. We do not.

Mr. SMITH. In this meeting where you presided, in which this Taft-Hartley Act was discussed, was the provision requiring officers to sign the noncommunistic affidavit discussed? Was that discussed at any length, or was it just in general terms?

Mr. BANCROFT. If you permit me, could I make a statement about that?

Mr. SMITH. Yes; go ahead.

Mr. BANCROFT. You see, our discussion of the Taft-Hartley law went on for several months, as a matter of fact. We had Mr. Frank Donner, assistant general counsel of the CIO, who spoke to the membership meeting of ours on full implications legally of the Taft-Hartley law. He was present, I believe, at that meeting, if my recollection serves me well, when this motion was passed. We had

a representative of one of our—of another CIO national union, a legislative representative, who spoke of the implications of the Taft-Hartley law for our union in particular, and for the entire labor movement.

As Mr. Palmer indicated this morning, the members of our executive board heard a good deal of the debate that took place in the Senate on the Taft-Hartley law, particularly the night that there was the long discussion with Mr. Kilgore, and Mr. Pepper, and Mr. Taylor, and some others. There was discussion in at least two full executive board meetings. When I say full, they were really special meetings of the executive board to consider almost exclusively the Taft-Hartley law, and its legal and other implications.

Then at this meeting of the membership there was discussion of the Taft-Hartley law, and all of its ramifications in the meaning of signing non-Communist affidavits, filing financial statements, and everything else that would be pertinent to the membership's action.

So that when the membership voted, they voted with full awareness of what they were doing, and they determined that they need not use the facilities of the Taft-Hartley board, the NLRB, under the Taft-Hartley Act.

Our union in general, Mr. Smith, has not had a great deal of experience with the NLRB; in many instances we have been able to deal with employers over a period of many years without recourse to the NLRB. That has been true in the Pentagon, for example. We have never had any matters involving the food operation at the Pentagon have been before the Board.

I indicated this morning that the same thing is true in Government Services except for an initial election conducted 10 years ago between the company and our union and the same is true with a number of other private companies, a number of other private companies with which we have done business.

Mr. SMITH. Then most of the discussion was just over the merits of the Taft-Hartley law and all its provisions and—

Mr. BANCROFT. I think more specifically than that, Mr. Smith, the need for us to as the kind of union that we are, at this time, to use the facilities of the NLRB. I think it was as specific as that.

Mr. SMITH. And of course they always open the meeting with "You must defeat everybody that voted for the Taft-Hartley Act," and ended up on that vein.

Mr. BANCROFT. No; we do not have the right to vote in the District of Columbia, so we can't defeat anybody. I mean in the District of Columbia. You see, we are all in the District, and we can't vote, so there is no need for that.

Mr. SMITH. You can write out to my district and tell them that I am unfair and beat me out there.

Mr. BANCROFT. Have you ever received a letter from us?

Mr. SMITH. No, I never have.

Mr. BANCROFT. One other point about that, Mr. Smith. You have asked for some of the considerations that were involved. Naturally we had to consider that nationally CIO had taken a position with respect to the Taft-Hartley law. That is even before the October convention of the CIO. In that there had been a general legislative fight conducted by the CIO in order to prevent the passage of the law.

Then secondly——

Mr. SMITH. I am sorry, I have to go.

Mr. HOFFMAN. We all have to go. There is a roll call.

Before I go, who wrote those minutes?

Mr. BANCROFT. I just finished telling Mr. Smith, Mr. Hoffman, that I believe they were written by one of the organizers of our union.

Mr. HOFFMAN. We will want the individual that wrote those minutes, and we will adjourn subject to call. It will not be tomorrow or this week.

Mr. BANCROFT. All right.

Mr. HOFFMAN. We will mark this "Exhibit No. 5" and reproduce it here in the record.

(The minutes referred to are as follows:)

The regular meeting of Local 471 was held Tuesday, July 22, 1947, at Garnett Patterson Junior High School.

President Bancroft opened the meeting by singing America, followed by concert prayer.

Minutes of the previous meeting were read and approved.

New members were initiated by President Bancroft.

In the absence of Brother Palmer, who was on vacation, the report on the business of the union was made by President Bancroft. At this point the vice president took the chair. The report on business was adopted by the body.

The acting secretary read a recommendation from the executive board as follows:

"The executive board recommends, after a thorough discussion on the Taft-Hartley law, that our union go on record that we do not use the facilities of the National Labor Relations Board."

A motion was made and seconded that the recommendation be accepted. After much discussion on the recommendation the motion was carried unanimously.

A moving picture, titled "For the Record," was shown and a very fruitful discussion was held on the movie.

The meeting adjourned at 10:30.

Mr. FLAXER. Do I have to stay around?

Mr. HOFFMAN. No one has to stay around. Subject to call, we will let you know.

(Whereupon, at 3:55 p. m., an adjournment was taken subject to call of the Chair.)

INVESTIGATION OF GSI STRIKE

TUESDAY, FEBRUARY 10, 1948

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR.
Washington, D. C.

The subcommittee met, pursuant to call, at 2 p. m., in room 1501, New House Office Building, Hon. Clare E. Hoffman (chairman of the subcommittee) presiding.

Mr. HOFFMAN. The committee will come to order.

General Fleming, you will identify yourself to the stenographer.

TESTIMONY OF MAJ. GEN. PHILIP B. FLEMING, ADMINISTRATOR, FEDERAL WORKS AGENCY, WASHINGTON, D. C.

Mr. FLEMING. I am Maj. Gen. Philip B. Fleming, retired, Administrator of Federal Works Agency.

Mr. HOFFMAN. What are your duties? I am asking you because I do not know.

Mr. FLEMING. Well, I am head of the Federal Works Agency, which was created in the First Reorganization Act, to be one of the big construction arms of the Federal Government. It is composed of the Public Buildings Administration, which was formerly part in the Treasury and part in the Public Buildings and Parks. Their functions were combined into the Public Buildings Administration.

The Public Roads Administration is also a part of my Agency. That is the old Bureau of Public Roads of the Department of Agriculture.

Then the third constituent unit is the Bureau of Community Facilities, which handled the Lanham Act veterans' educational facilities program, the disaster and relief program, advanced planning programs, and others of similar nature.

Mr. HOFFMAN. All we are interested in at the moment is the question of whether or not you have control over the operations that are carried on in the Federal buildings, and to what extent you control those, specifically these cafeterias.

Mr. FLEMING. Well, we control all the space in the Federal buildings, except the buildings which are a part under the Architect of the Capitol and the buildings that are occupied by the courts here in the District of Columbia.

We control the space allocation, and we operate and maintain those buildings.

Mr. HOFFMAN. You have control of these buildings, those buildings where the 42 cafeterias that have been operated by the GSI are situated?

Mr. FLEMING. That is correct, sir. We have no control over the Supreme Court Building, where one of the cafeterias was operated.

Mr. HOFFMAN. What about the Labor Department?

Mr. FLEMING. We control the space in the Labor Department.

Mr. HOFFMAN. And what about the Pentagon Building?

Mr. FLEMING. We also control, have controlled, the Pentagon Building. We operate and maintain the Pentagon Building.

Mr. HOFFMAN. I have before me what purports to be an agreement entered into on the 30th day of June 1927 between the Director of Public Buildings and Public Parks of the National Capital. Is that your organization?

Mr. FLEMING. That is as I said at the beginning, that is a part now of the Public Buildings Administration.

Mr. HOFFMAN. Have you jurisdiction over their actions in the sense of being able to control what the Director of Public Buildings and Public Parks of the National Capital does?

Mr. FLEMING. Yes, sir; we do not have anybody by such a title now. The functions and duties of that office are now inherent in the Commissioner of Public Buildings, Mr. Reynolds.

Mr. HOFFMAN. He was the first party, the Director; and Welfare and Recreational Association, a corporation existing under the laws of the District of Columbia, of Washington, D. C.—is that the present GSI?

Mr. FLEMING. That is correct, sir. It was—that was the original name for it, and later on it changed its corporate name to Government Services, Inc. I think it may be a little confusing in there to find that that contract on the part of the Government is signed by General Grant, who was at that time the head of the Public Buildings and Grounds of the National Capital. It is the same General Grant who is now at the head of GSI. He represents the other side now.

Mr. HOFFMAN. But he is still connected in some way with the Government; is he not?

Mr. FLEMING. He is the head of the National Capital Parks and Planning Commission.

Mr. HOFFMAN. That is a Federal office?

Mr. FLEMING. That is correct, sir; I believe it is a Federal office.

General GRANT. I believe so.

Mr. HOFFMAN. Just tell him who is talking.

General GRANT. U. S. Grant 3d.

Mr. HOFFMAN. Did you finish your statement?

Mr. GRANT. Yes, sir.

Mr. HOFFMAN. Now, I find in this contract, section 7 on page 4—this copy I have—it says:

This agreement may be terminated by mutual arrangement between the parties hereto, or by either party on notice given 6 months in advance of the date of such termination. It may be terminated at any time by any act of Congress which will necessitate the cessation of the activities enumerated herein. The operation of any of the activities specified may be terminated at the end of the 60-day notice hereby authorized to be given by either of the parties hereto to the other.

Do you know of any other provision of any contract looking toward the operation of these cafeterias by GSI containing any other or different termination clause?

Mr. FLEMING. No, sir; that is the only contract still in effect.

Mr. HOFFMAN. Still in effect today?

Mr. FLEMING. Yes, sir.

Mr. HOFFMAN. Now, Mr. Fleming, I have before me one of the morning papers which states this, and I read it:

The White House has ordered Federal Works Administrator Philip B. Fleming to require Government Services, Inc., to bargain with the union that is striking against 42 GSI cafeterias.

Have you received any such order or request?

Mr. FLEMING. I have not. I talked to Mr. Ross about this this morning, and he knows of no such order.

Mr. HOFFMAN. Is Mr. Frank Wilder of the Post here?

Will you come forward and tell us about this. The story is under your byline, and I want to state right away, so you will have no misunderstanding, if it is confidential you need not disclose it.

TESTIMONY OF FRANK WILDER, REPORTER, WASHINGTON POST, WASHINGTON, D. C.

Mr. WILDER. Am I being called as a witness?

Mr. HOFFMAN. You are being called at the invitation of the committee as a witness.

Mr. WILDER. This is not a sworn statement?

Mr. HOFFMAN. You need not be.

Mr. WILDER. I will be glad to answer any questions.

Mr. HOFFMAN. Here I find this story under your name, Frank Wilder—the one I just read.

Mr. WILDER. Yes, sir.

Mr. HOFFMAN. Will you not sit down?

The first paragraph—tell us about that. What do you know about it? What is the basis of that story?

Mr. WILDER. I wrote that story on the basis of a number of facts that I gathered in the course of my work yesterday, over the week end.

Mr. HOFFMAN. Would you mind telling us who told you?

Mr. WILDER. I prefer not to.

Mr. HOFFMAN. And you are not a Government department, either.

Mr. WILDER. Sir?

Mr. HOFFMAN. You are not——

Mr. WILDER. Not a Government source.

Mr. FLEMING. I told Mr. Wilder, who called me at my home last night, that I had received no such order.

Mr. HOFFMAN. We are calling the White House, and we will find out down there. Do you not see where you get us now? You get us all hot and bothered about that story on the front page of the Post here.

Mr. WILDER. I am sorry if I precipitated a congressional hearing.

Mr. HOFFMAN. You were misinformed—I would not go that far, because we want to know about it anyway.

We will forget that part of it until we hear from the President's secretary.

But, as I get it, your position is that you do not care to tell us where you got that information.

Mr. WILDER. No; I got the information under the strictest confidence.

Mr. HOFFMAN. A leak, as we call it.

Mr. WILDER. A leak?

Mr. HOFFMAN. You did not get it from Drew Pearson.

Mr. WILDER. No; hardly.

Mr. HOFFMAN. Well, all right; that is all. Thank you very much.

Mr. WILDER. Thank you.

Mr. HOFFMAN. Now, we will get down to the basis. Assuming that such an order came from the White House, what could you do about it?

TESTIMONY OF MAJ. GEN. PHILIP B. FLEMING—Resumed

Mr. FLEMING. I do not think that there is anything I can do under the contract, except to give them 6 months' notice to terminate the contract.

Mr. HOFFMAN. That is to say, do you know of any authority which would require you to insist that GSI bargain with the union?

Mr. FLEMING. No; I know of no such authority. I am simply there as a landlord to these buildings. The GSI is there as a concessionaire, running the cafeterias. It is my obligation to see that they serve wholesome food at reasonable prices. How they serve it is their business and not mine.

Mr. HOFFMAN. You mean whom they hire.

Mr. FLEMING. That is correct.

Mr. HOFFMAN. That is their business.

Mr. FLEMING. That is correct, sir.

Mr. HOFFMAN. Well, have you any right at all by virtue of your office or otherwise to tell them what individuals to employ or which ones to discharge?

Mr. FLEMING. I have not.

Mr. HOFFMAN. Or have you anything to do with the bargaining that they might carry on?

Mr. FLEMING. Nothing.

Mr. HOFFMAN. Because I was anxious to inquire, If you have the right or if the President has the right to require the GSI to bargain with 471, and GSI just sits back on its heels and says, "We will bargain but we won't give you what you ask," is there any way—it would be logical then, would it not, if you started at first, to go on through and force a contract?

Mr. FLEMING. The contract is being enforced. They are serving wholesome food at reasonable prices, and that is as far as I can go in enforcing the contract.

Mr. HOFFMAN. And the Government fixes the prices?

Mr. FLEMING. We have to approve their prices. They cannot put any prices in without my approval.

Mr. HOFFMAN. And the Government, after the operation expenses and 6 percent of the profits taken out, gets the rest of it?

Mr. FLEMING. I think half of the profits. I have forgotten. Half of the profits go back to the Federal Treasury.

Mr. HOFFMAN. After GSI takes out 6 percent?

Mr. FLEMING. There is no 6 percent provision in this contract; 50 percent of the profits. If they should go out of business at any time, all of the things that they have return to the Federal Government.

Mr. HOFFMAN. The directors of GSI—are they all Federal employees?

Mr. FLEMING. I think they are all Federal employees.

Mr. HOFFMAN. Can you give us any more light on your authority to close these cafeterias?

Mr. FLEMING. The only way I see that I can close them is on 6 months' notice.

Mr. HOFFMAN. I will ask you this: Congress passed the Taft-Hartley Act. Is your organization, insofar as you can speak for it, disposed to carry on its activities under that act?

Mr. FLEMING. Yes, sir; we are. The President, when the Taft-Hartley Act became law, told all of us that the Taft-Hartley Act was the law of the land, and that we were to abide by it and enforce its provisions.

Mr. HOFFMAN. Then I may assume that if a union, the officers of a union did not follow the provisions of the Taft-Hartley Act, you would make no effort to interfere in any dispute between that union and the employer.

Mr. FLEMING. I do not think I would interfere anyway, whether they did or not.

Mr. HOFFMAN. Maybe my use of the word "interfere" is wrong. Would you take any part in it?

Mr. FLEMING. I would not take any part either way, sir.

Mr. HOFFMAN. It seems that 471 has a contract with the Pentagon. Do you know anything about that?

Mr. FLEMING. No, sir; I do not. The Pentagon Building, as you recall, was built by the Army, but in the law which permitted its being built, it later became a part of the Public Buildings of the Federal Government, and it was to be maintained and operated by Public Buildings Administration in Federal Works Administration.

Mr. HOFFMAN. That is the one of which you are head.

Mr. FLEMING. But during the wartime, after it was first built, the Army preferred to run it themselves for security reasons, and it was not until the war was almost over that we began gradually to get in there and take charge of the thing. We first were instrumental in helping them set up their cafeteria, and they did not like it, so it was set up under the post exchange, as I understand it—considered as an Army post exchange, and the post exchange could handle the eating, and that is the way they made their contract with that restaurant.

Mr. HOFFMAN. Who has the contract with it under which the National Food Corp. is operating the cafeteria over there; do you know?

Mr. FLEMING. I would not have anything to do with it, sir. I presume it was set up by the War Department, now the Department of the Army, and that is probably where you would find the contract.

TESTIMONY OF ALBERT C. BOEHM—Recalled

Mr. HOFFMAN. Will you just take a chair here and identify yourself.

Mr. BOEHM. Albert C. Boehm.

Mr. HOFFMAN. You have a contract here with the union?

Mr. BOEHM. Yes, sir.

Mr. HOFFMAN. Between the National Food Corp. that is operating the cafeteria in the Pentagon Building—

Mr. BOEHM. Yes, sir.

Mr. HOFFMAN. And 471.

Mr. BOEHM. Yes, sir.

Mr. HOFFMAN. Now, where is your contract, or who has any contract between the authorities who have control of the Pentagon Building, and the National Food Corp.?

Mr. BOEHM. Well, our company has a contract with the Pentagon Post Restaurant Council.

Mr. HOFFMAN. Where is that? Have you got that?

Mr. BOEHM. I do not have that. I was not told to bring that; no, sir.

Mr. HOFFMAN. That was the one we wanted.

Mr. SHEPPARD. We are getting a copy from our office. I understand it is the right one.

Mr. HOFFMAN. Well, Mr. Fleming, my point was or my inquiry was, has anyone over there at the Pentagon any authority to order the people who are operating the National Food Corp. here to bargain with 471?

Mr. FLEMING. I have no knowledge of that contract.

Mr. HOFFMAN. None at all?

Mr. FLEMING. No.

Mr. HOFFMAN. This contract which is not signed yet, but I understood from the testimony the other day it was in force——

Mr. BOEHM. Yes, sir.

Mr. HOFFMAN. And has been since the second day of January.

Mr. BOEHM. Yes, sir.

Mr. HOFFMAN. Of this year, and at the time that contract was made, the officers of that union had not signed those anticommunistic affidavits, so-called.

One thought we had in mind, some of us, anyway, was whether or not employees who belong to a union whose officers refuse to deny that they were Communists or members of the Communist Party, or affiliated with Communist organizations, whether serving Government workers in the Pentagon, where many of the officers of the Army work, what the effect would be, and what door it opened, whether it did open the door of opportunity to outsiders to get information which might be dangerous to the welfare of the country.

Mr. FLEMING. I am not prepared to answer that, Mr. Chairman. I do know that I have eaten in Government cafeterias for many years, and seen the same faces. I know that their relatives may live in the same homes with our charwomen, and elevator operators, and others who work for PBA, and I think the great majority of them are good loyal American citizens, the ones that are working there. I do not know about the leadership. I do not know whether they are Communists or not. Some of them appear to have communistic tendencies, as I recall my dealings with them in the past. But whether they are Communists or not, I do not know. I do know the great majority, I am convinced that the great majority of these cafeteria workers are good loyal citizens, and I am sorry to see them out on the streets in the cold.

Mr. HOFFMAN. And they are just the victims of unwise leadership, then.

Mr. FLEMING. That is the way it would appear to me.

Mr. HOFFMAN. They are too busy earning a livelihood to pay much attention to Communists or their teachings.

Mr. FLEMING. I think they have a definite right to belong to a union. I think all employees have, whether they are Federal or otherwise.

Mr. HOFFMAN. I think that is all.

Mr. SMITH. Has anybody ever said anything to you over in the Pentagon Building about screening employees? By screening, I mean to give them tests and things of that sort.

Mr. BOEHM. Well, when security was on during the war, of course all employees went through that questionnaire business. I have forgotten what they called it, personnel security questionnaire. I mean you gave your name and your antecedents, your relatives, and any organizations that you might belong to. They were screened from that standpoint. It is what was called personnel security. I don't know whether those—I mean I don't know whether that would satisfy what you have in mind or not.

Mr. SMITH. That is what I want to know. Do you have the Post Exchange Council over there?

Mr. BOEHM. Yes, sir.

Mr. SMITH. Who do you deal with on that?

Mr. BOEHM. The post restaurant officer, who is an Army officer.

Mr. SMITH. What is his name?

Mr. BOEHM. Paul B. Morgan.

Mr. SMITH. Paul B. Morgan?

Mr. BOEHM. Yes, sir.

Mr. SMITH. What is his rank?

Mr. BOEHM. He is a captain.

Mr. SMITH. How long has he been there, do you know?

Mr. BOEHM. He has been there about a year and a half.

Mr. SMITH. Has this matter of security or any screening of employees, have you ever discussed it with Captain Morgan?

Mr. BOEHM. Yes; I have

Mr. SMITH. How recently?

Mr. BOEHM. Well, I have discussed it as recently as 2 or 3 weeks ago.

Mr. SMITH. Well, now, what was the nature of that conversation?

Mr. BOEHM. Well, the nature of that conversation was for us to work out some plan whereby we would require the same type of affidavits, I would say.

Mr. FLEMING. Do you want me any more?

Mr. HOFFMAN. Did you want to ask Mr. Fleming anything?

Mr. FISHER. As I understand, General Fleming, your position is that the Government has a valid contract with GSI, and cannot be broken by the Government so long as they render the service they are required to and conform with the terms of it unless they are given 6 months' notice.

Mr. FLEMING. That is correct.

Mr. FISHER. You have nothing to do with the negotiations between any unions that may be involved in providing the labor that the GSI uses in connection with it?

Mr. FLEMING. Not the slightest.

Mr. FISHER. That is all.

Mr. HOFFMAN. Here is another question. This paper also states:

Major General Fleming, who has the power to terminate GSI contract with the Government for operation of the cafeterias, would not comment last night.

That is correct. That is a double question. The part of it is correct. Would you comment?

Mr. FLEMING. I did not want to comment. I do not want to do business in my home, and that is what I told the reporter who called me. I am at my office until 6 o'clock and when I get home I want to be through with business.

Mr. HOFFMAN. Here it says, "who has the power to terminate GSI contract with the Government." Have you any such power?

Mr. FLEMING. I have the power to terminate it on 6 months' notice.

Mr. HOFFMAN. That is the only power

Mr. FLEMING. That is all, yes sir; or if they fail to—

Mr. HOFFMAN. To comply with the contract.

Mr. FLEMING. That is right, sir.

Mr. HOFFMAN. There is nothing in the contract that requires them to bargain. You have been over that once.

I might ask you this—you do not need to answer it if you do not want to: Have you any intention of closing these cafeterias for any reason other than that contained in the contract or inadequate service?

Mr. FLEMING. No, sir.

Mr. SMITH. What about the closing of the cafeteria in the Labor Building?

Mr. FLEMING. That cafeteria is not in the Labor Building. It is under the departmental auditorium, and services both the Labor Department and the ICC, and practically no one else. Many of our other cafeterias, like the one, for instance in the Interior Building, serves not only Interior, but other departments in that territory and neighborhood and was built for that purpose. The cafeteria under the departmental auditorium serves the Labor and Interstate Commerce Commission and was closed at the request of both.

Mr. HOFFMAN. Of both?

Mr. FLEMING. Labor and Interstate Commerce.

Mr. SMITH. Did they ask you to close it?

Mr. FLEMING. It so happened that I was not here at the time, but they asked my assistant, who did. Of course, he was acting for me; the responsibility is mine.

Mr. HOFFMAN. Who asked you to close it?

Mr. FLEMING. Labor and Interstate Commerce asked that the cafeteria under the departmental auditorium be closed.

As I say, it serves practically just their own employees.

Mr. SMITH. Did they tell you why they wanted it closed, this particular cafeteria closed, or did you learn why it was closed?

Mr. FLEMING. No; I do not think they went into any great details; simply wanted it closed.

Mr. SMITH. Did you discuss the matter with Secretary of Labor Schwollenbach?

Mr. FLEMING. It was closed before I got back to Washington.

Mr. SMITH. Did you learn the reason that he said that he wanted it closed.

Mr. FLEMING. I saw that he had mentioned before a congressional hearing that he did not want a picket line around the Labor Department Building.

Mr. SMITH. That is all.

Mr. FLEMING. That is what I read in the paper.

Mr. HOFFMAN. Who asked your assistant to close that cafeteria?

Mr. FLEMING. It was the Labor Department and the Interstate Commerce Commission.

Mr. HOFFMAN. Those two.

Mr. FLEMING. That is right. I think it was the Secretary of Labor, and I believe the Secretary of the Interstate Commerce Commission, jointly.

Mr. HOFFMAN. And your assistant, as I understand, for whom you accept responsibility, closed them.

Mr. FLEMING. That is correct, sir.

Mr. HOFFMAN. But as a matter of legal right, what is that assistant's name, man or woman?

Mr. FLEMING. Mr. Follan.

Mr. HOFFMAN. As a matter of law, he had no right to close it.

Mr. FLEMING. I don't know.

Mr. HOFFMAN. You do not know of any?

Mr. FLEMING. I am not a lawyer and I do not know, sir.

Mr. HOFFMAN. If the contract means what it says.

Anyway, you said now that you had no right, and then assume, I may assume that your assistant had no greater right than you did.

Mr. FLEMING. Maybe so, sir.

Mr. HOFFMAN. That is all, and thank you very, very much. We appreciate it. We are sorry to disturb you. We are happy to know it came in working hours.

Mr. SMITH. Before we get off on another subject, you stated that you had discussed this matter with Captain Morgan relative to having some sort of a test made of the employees. Now, just state what happened.

Mr. BOEHM. Captain Morgan, it was in his office, discussed with men, in fact he had some forms that he was working on, with the idea of working out a form of affidavit or something of that kind which would be the equivalent for the cafeteria workers, equivalent to that signed by Government workers on the loyalty proposition.

Mr. SMITH. Did you reach any conclusion as to what you were going to do?

Mr. BOEHM. Yes; we did, sir. We reached the conclusion that we would work toward that end of setting up something along that line.

Mr. SMITH. Is there anything in this contract that you have signed on behalf of your company that would prohibit you from making the inquiry to the employees of your company?

Mr. BOEHM. No, sir; none that I know of.

Mr. SMITH. Have you ever discussed this matter of signing these questionnaires or forms with any members of the union, the business agent?

Mr. BOEHM. No, sir; I have not.

Mr. SMITH. Did you plan on discussing that with him?

Mr. BOEHM. Well, I had not planned on discussing it with him particularly until we had definitely set this procedure, and were ready to go ahead with it.

Mr. SMITH. This contract as you testified the other day has not been signed.

Mr. BOEHM. No, sir, it has not.

Mr. SMITH. When do you anticipate signing it?

Mr. BOEHM. Any day; frankly it has been ready for signature for some little time.

Mr. SMITH. Did you contemplate putting any additions or amendments to this contract whereby you will require that anyone who works in the cafeterias over there will sign a questionnaire and answer certain questions?

Mr. BOEHM. No; I do not believe that it would be required in the contract, sir. I think that is a right that the Government would have to ask as a security measure, to require us to have done, and we would certainly be in favor of it.

Mr. SMITH. You think, then, if you had 10 employees that refused to sign this questionnaire, that they, if they would not sign it, you could discharge them, and the union would not do anything about it?

Mr. BOEHM. Yes, sir, I believe we have that right.

Mr. SMITH. Just as an inherent right.

Mr. BOEHM. As an inherent natural right of employment; yes, sir. I think that is a right that would be inherent.

Mr. SMITH. Did Captain Morgan indicate that this Post Exchange Board over there had authorized him to draw up these forms and do it as a security measure?

Mr. BOEHM. Frankly I did not discuss that phase, where he got his authority. I did not discuss that with him, sir.

Mr. SMITH. Is Captain Morgan the man who will sign the contract with your company?

Mr. BOEHM. Yes, sir.

Mr. SMITH. How long is a contract? How long does it run, a year-to-year contract?

Mr. BOEHM. Frankly I am not familiar with the terms of the contract. I am the manager of the operation there, but so far as the dealings between the company and the post restaurant, the post council are concerned, it is not part of my job.

Mr. SMITH. Do you know how many employees you have over there in the Pentagon Building?

Mr. BOEHM. That we have?

Mr. SMITH. Yes.

Mr. BOEHM. National Food Corp.?

Mr. SMITH. Yes.

Mr. BOEHM. I can give it to you as of this morning, 575.

Mr. SMITH. 575?

Mr. BOEHM. Yes.

Mr. SMITH. Are they equally divided between male and female?

Mr. BOEHM. No; the predominance would be female.

Mr. SMITH. What about your cashiers in your cafeterias and restaurants over there; are they members of this union?

Mr. BOEHM. No, sir; they are not.

Mr. SMITH. How many employees do you think that you employ who are not members of the union?

Mr. BOEHM. Well, 125 are not employed in jobs which are covered by the union contract; 450 people are employed in jobs covered by the union contract.

Mr. SMITH. Those 450 that are covered by this contract with the union—are they waitresses and kitchen help? Is that their big classification?

Mr. BOEHM. Yes, sir; they are bus employees, waitresses, counter servers—people that clean up, people that cook, people that help in the kitchen—all of the classifications set up in the contract.

Mr. SMITH. Are all of the waitresses under the union, belong to the union?

Mr. BOEHM. I would not be able to tell you right offhand but those—the most of them are. I would say practically all of them.

Mr. SMITH. Do you employ white waitresses?

Mr. BOEHM. No, sir; we employ colored waitresses.

Mr. SMITH. That is all.

Mr. HOFFMAN. Mr. Fisher?

Mr. FISHER. Mr. Chairman, I questioned him before when he was before us. I do not recall any other questions that occur to me now.

Mr. HOFFMAN. All right. Mr. Smith, do you want to ask General Grant some questions?

Mr. SMITH. I would sooner have Captain Morgan, since he is the man that I am looking for at the moment.

Mr. HOFFMAN. We have sent for him.

Mr. SMITH. Do you know anything about the matter of employees' arrangement over in the Pentagon Building? Just who handles all of the employees—not Army personnel or civilian employees of the Army?

Mr. GRANT. No, sir; I do not know anything about it. The building force, as I understand it, is handled by the Public Buildings Administration. The cafeteria force is under the Foods Administration—National Foods Administration. I am just speaking from hearsay, and from information.

Mr. SMITH. You have no official connections over there in the Pentagon.

Mr. GRANT. None whatsoever, sir.

Mr. SMITH. That is all.

Mr. FISHER. I do not have any questions.

Mr. SMITH. Who would you say, General, had charge of all of the messengers and employees similar to that in the Army over there.

Mr. GRANT. They would be employed by the Department of Security. They would be civil-service employees.

Mr. SMITH. What different provisions do you have in this present contract that you are negotiating, that has not been signed, than last year? Is there any material difference?

Mr. BOEHM. Yes, sir; there is.

Mr. SMITH. State what they are, briefly.

Mr. BOEHM. Well, for the first place, under the old contracts that have been in existence for several years, there was a compulsory check-off. Whether the person belonged or wished to belong to the union or not, there was a compulsory check-off, but they had the right to elect whether the dues dollar would go to the union or to a charity organization. That was the contract. That was a condition which was in effect prior to the time National Food Corp. went into the Pentagon Building, and it existed in the GSI contract for a number of years, and we inherited that condition.

In this contract there is no such provision. The provision is entirely omitted, and in its place is substituted a paragraph saying that the employer will check off dues only upon the express written authorization of any employee.

It is therefore left to the employee whether he wishes to belong to the union or not, or to have his dues deducted.

There is a further substantial change in that under the old contract the company agreed to give the union preference in the employment of employees for vacancies. We were not obliged to hire people sent by the union, but we did agree that we would give preference to people if their qualifications were up to those of any other applicant.

However, in this present—in the new contract—that clause has been eliminated.

Mr. SMITH. In your operations of this cafeteria, do you pay the same rate of pay for both men and women if they are doing the same work?

Mr. BOEHM. Yes, sir.

Mr. SMITH. Do you have a provision in your contract relative to that?

Mr. BOEHM. Yes, sir.

Mr. SMITH. Comparable pay for comparable jobs?

Mr. BOEHM. Not in that language. The job is simply classified, and then a rate set for that job, and whoever occupies one of those jobs is paid that rate. There is nothing said about the man and woman.

Mr. SMITH. What about the hourly rate of pay; is that the same as the last year's contract?

Mr. BOEHM. No, sir; the hourly rates were increased 6½ cents across the board.

Mr. SMITH. Are there any other material changes in the two contracts?

Mr. BOEHM. Well, there was one provision eliminated, by which we formerly paid employees carfare. We formerly paid them 5 cents a day allowance toward their carfare, which was eliminated.

Mr. SMITH. Is that all of the material changes?

Mr. BOEHM. That is all that I can think of, sir. There probably are some other minor changes which I do not recall at the minute.

Mr. SMITH. You negotiated this contract, did you, with the business agent?

Mr. BOEHM. With the negotiating committee; yes, sir.

Mr. SMITH. I believe that is all.

Mr. FISHER. I have a copy of the contract about which you have been talking.

Mr. BOEHM. Yes, sir.

Mr. FISHER. I direct your attention to provision No. 15 in the contract, which reads as follows:

The company agrees to deduct any and all union membership dues from the wages of all employees covered by this agreement who execute a written and authorized assignment. Such assignments must be received by employer before the 12th day of the month when such deductions are to start. This authorization shall be irrevocable until the expiration date of the agreement, and thereafter shall continue in effect as a revocable authorization.

This contemplates an individual authorization from each employee; is that correct?

Mr. BOEHM. Yes, sir; anyone who wants to have his dues deducted.

Mr. FISHER. Are the employees in the cafeteria at the Pentagon Building screened with respect to loyalty tests, and so forth?

Mr. BOEHM. The only screening that is done, sir, is where a building pass is issued to an employee for security purposes. They have a long

form. I have not seen it for a long time, but I assume they are the same ones they had—long, legal-sized piece of paper with I don't know how many questions as to your antecedents and background, and naming any organizations that you belong to, and so forth.

Mr. FISHER. Are there very many employees in that category in your employ?

Mr. BOEHM. I would say practically all of them that signed those.

Mr. FISHER. Yes.

Mr. BOEHM. I would say practically all of them, and I am assuming, of course, that they are still using that form in the building. Anybody who is issued a pass has to go through that. That is the security officer of the Pentagon Building.

Mr. FISHER. He issues those.

Mr. BOEHM. Yes, sir.

Mr. FISHER. Do you happen to know whether he subjects the applicants to any particular tests or just issues them if they sign?

Mr. BOEHM. That is my understanding, and frankly I have not been in close touch with that for probably a couple of years, but at that time all that was necessary when I last had contact with it was the execution, the filling out of this thing, which is a very involved proposition, and then signing it.

Mr. FISHER. Yes; go ahead.

Mr. BOEHM. And in two or three cases employees were denied passes. I do not remember what the circumstances were, but they were possibly aliens or something of that kind.

Mr. FISHER. Again, who issues those?

Mr. BOEHM. They are issued by the security officer of the building.

Mr. FISHER. Of the Pentagon Building?

Mr. BOEHM. Yes, sir. I don't know if that is his official title, but he is an Army officer.

Mr. FISHER. That is all.

Mr. SMITH. How many meals do you serve over there? I mean, do you serve three meals a day?

Mr. BOEHM. Yes, sir; we serve breakfast, luncheon, and the evening meal.

Mr. SMITH. All of the cafeterias are open?

Mr. BOEHM. No.

Mr. SMITH. For three meals?

Mr. BOEHM. No. One cafeteria is open for breakfast, they are all open for lunch, and one is open for dinner in the evening.

Mr. SMITH. Is there any provision in the contract as to where these employees in these cafeterias shall remain in the cafeteria? Do they have a right to circulate freely in the corridors and around the buildings?

Mr. BOEHM. That is pretty much of an administrative problem, Mr. Smith. We try to confine them within the cafeteria as much as possible, but, of course, I do not know of any way we can keep them out of the corridors. I mean, after all, we try to use reasonable efforts.

Mr. SMITH. I mean there is no proviso in the contract when the employee goes to work for you he has certain regulations that he has to live up to?

Mr. BOEHM. We have regulations, but no regulations to say that he is confined to any area or is not permitted in the corridors.

Mr. SMITH. That is all.

Mr. HOFFMAN. What office, General Grant, have you in connection with the GSI?

TESTIMONY OF MAJ. GEN. U. S. GRANT 3d, NATIONAL CAPITAL PARK AND PLANNING COMMISSION, WASHINGTON, D. C.

Mr. GRANT. I am president of the corporation.

Mr. HOFFMAN. And the other officers or the directors—there are nine directors; are there not?

Mr. GRANT. Yes.

Mr. HOFFMAN. I do not believe our record shows who they are. Will you give us the names of them? If you cannot, just give us a letter.

Mr. GRANT. The vice president is Mr. Gillan. I cannot give you the first name, but we can furnish that.

Mr. HOFFMAN. If you wish, you may file a statement with the committee; just send it up in a letter, if that is easier.

Mr. GRANT. It would save your time. We would like to do that.

Mr. HOFFMAN. What position each one holds with the Federal Government.

Mr. GRANT. Yes, sir.

Mr. HOFFMAN. That is to say, they are all except yourself and perhaps one other in a position where—

Mr. GRANT. Mr. Gillan is a retired engineer of the Parks Service, and I am a retired Army officer, and filling a part-time job as Chairman of the National Capital Parks and Planning Commission, which carries no salary with it.

Mr. HOFFMAN. The others are in the Government service, where they would or might be subject to influence or pressure?

Mr. GRANT. Well, they are all Government employees excepting Mr. Gillan and myself.

Mr. HOFFMAN. Are you in a position to state what the position of GSI is with reference to bargaining with 471?

Mr. GRANT. I think so, sir. When the contract was approaching its expiration date we appointed a committee to bargain with the union committee for a new contract. They met with the union committee on November 28, 1947, and had been instructed to raise the question of whether the union had qualified under the new act.

The union had been elected about 10 years before, and certified to represent the employees.

When this question was raised, as I understand it—I was not a member of the negotiating committee—the union officials said they could not discuss that and left the meeting, after some little discussion among themselves. That is just hearsay evidence, because I was not there.

Then we had some correspondence with them on the subject, in which they indicated that they were not authorized to act on that particular feature, and the board of trustees were of the opinion that since they worked in Government buildings, and since that was the intent of the act, as we understood it, that gave authority to the employer to ask that they qualify under the new law, we insisted that they do so.

We then asked them if they were not authorized to discuss that subject, who would be authorized. We have never had any answer to that inquiry.

As time went on and they held one or two meetings which, as far as we could ascertain, were attended by probably less than a quarter of our employees, and when a number of our employees, through their supervisors, indicated that they were not at all anxious to have another strike or any difficulty of this kind, then we felt that we were not sure whether the union really represented the employees or not, and so we asked the National Labor Relations Board to hold an election to see whether they were, and whether the union could be certified as representing our employees to bargain with us.

The National Labor Relations Board gave them a 10-day notice, and at the expiration of those 10 days, when they had not complied, the National Labor Relations Board notified us.

Mr. HOFFMAN. Will you put in the record a copy of that letter, please?

Mr. GRANT. Yes; the National Labor Relations Board notified us that they did not have authority to bargain for our employees, and that the request for an election was therefore dismissed, as this union could not be put on the ballot.

I am paraphrasing the language of it, of course, but I have a photostat copy which I will be glad to leave with you for the record.

(The letter referred to is as follows:)

NATIONAL LABOR RELATIONS BOARD,
December 31, 1947.

Re Case No. 5-RM-9.

GOVERNMENT SERVICES, INC.,
Washington 6, D. C.

GENTLEMEN: On December 19, 1947, we addressed a letter to United Cafeteria and Restaurant Workers, Local 471, UPWA-CIO, copy of which was sent to you, informing such organization that the filing requirements under section 9 (f), (g), and (h) of the National Labor Relations Act, as amended, must be met before labor organizations may receive benefits under the act. The aforesaid sections require the filing of certain information with the Department of Labor and the filing of noncommunist affidavits with the National Labor Relations Board. (Form NLRB 1083 is enclosed which describe fully these requirements.) I am, therefore, dismissing the petition in this matter for the reason that the labor organization above-named has failed to comply with the requirements of the National Labor Relations Act, as amended, by depositing certain required data with the Secretary of Labor and by filing with the National Labor Relations Board the necessary prescribed affidavits of its officers that they are not members of the Communist Party or subscribers to its principles.

Its failure to meet these requirements renders the above organization ineligible for certification as a bargaining representative of any unit of your employees and likewise ineligible to invoke any of the processes of this Board in protection of any of their members. In view of this, no election which might be held would be determinative of any rights asserted by the organization named.

Pursuant to the National Labor Relations Board rules and regulations as amended, you may obtain a review of this action by filing a request for such review with the National Labor Relations Board, Washington 25, D. C., and a copy with me. This request must contain a complete statement setting forth the facts and reasons upon which it is based. The request should be filed within 10 days from the date of receipt of this letter, except that the Board may, upon good cause shown, grant special permission for a longer period within which to file.

Very truly yours,

ROSS M. MADDEN,
Regional Director on Behalf of the General Counsel.

Mr. GRANT. We then notified our employees that this was the case, and that we felt the union as their representative was out of the picture, and we did not want them to suffer. We realized that they should have an increase of pay because of the increase in the cost of living,

and we had figured out what that should be on the basis of the last, then available statistics from the Government, and notified them that all those who stayed on the job would be given an extra 6½ cents an hour.

Mr. HOFFMAN. I am not so much interested. Maybe the others are. If they are, they can so indicate. I am not so much interested in the merits of the strike or of the justice or injustice of your offer, as I am in your present position as to bargaining, and for this reason:

How many of the members of the union are now working for you? Can the personnel manager answer?

Mr. NIEHUSS. I would say about 300, sir.

Mr. HOFFMAN. How many members of 471 are still out of jobs, so far as you are concerned?

Mr. NIEHUSS. I would estimate that there must be somewhere around a thousand people that have been replaced.

Mr. HOFFMAN. Now, then, have I got it right? Assuming that there are a thousand members of the 471 who went out on strike, and who have not obtained other jobs—and of course I assume some of them have—but assuming they have not, we get into this position: Whenever we see in the paper a statement like this one in the morning Post, that the President has ordered Mr. Fleming to require Government Services to bargain with them, that raises in the minds of all of these people who belong to the union, and who want to bargain, and who want their jobs back—it raises in their minds the hope that they will get those jobs back.

And if as a matter of law or because of the determination of GSI it has decided that it will not bargain with these former members of the union until there has been a new election, and if it is true—I do not know whether it is or not, that that election would have to be held among or confined to the present employees—then there is that false hope in the minds of all of these people. Some of them are here and they are interested, and they want their jobs back. If they cannot get them, the quicker they find out the better. They will look for something else, and they will not be hanging on. And if they get them back, then the quicker they get them back, the better for everybody. Do you see my point and position?

Mr. NIEHUSS. Yes, sir.

Mr. HOFFMAN. Is that about our position? Can you add to it, Mr. Smith and Mr. Fisher?

Mr. FISHER. I think that is correct.

Mr. HOFFMAN. We do not want these people standing around waiting for these jobs unless they will get something or have a prospect of getting it.

As I take it from General Fleming's statements, even the President of the United States cannot force GSI to bargain with these people, and I do not know yet whether the President has told you that you should. I have been trying to get Mr. Ross, and we will continue to try to get Mr. Ross, who speaks for the President, to learn if he has, because to me it seems mighty cruel to have these folks standing around out here in the cold looking for these jobs if they will not be available.

That is why I asked for the position of GSI. Does GSI intend now that the union officials—apparently the membership has told the union officials to sign up, and they have signed, except one, who has resigned,

who is out of the picture—as I understand under the law, you can now bargain with GSI, except perhaps as the present employees might file a protest and ask for an election.

Do you intend to ask for an election—the selection of a bargaining committee from your present employees?

MR. GRANT. There are two items there, sir, that I think need consideration. One is that the law requires the certificates to be filed not only by the local union, but also by the union with which it is affiliated, the international.

MR. HOFFMAN. All right. Assuming that you are mistaken about that—and I have it in mind, and I may be entirely wrong—that Mr. Denham or someone connected with the administration of the law has filed an opinion, has he not, that the national or international organization officials need not file that affidavit? I may be wrong, but that is my understanding at the present time, and I notice the young lady behind us nodding her head. So that that is no bar. All right, General Grant.

MR. GRANT. Congressman Hoffman, the original opinion on that score was to the effect that the national CIO and the national——

MR. HOFFMAN. A. F. of L.

MR. GRANT. A. F. L. executive officers did not have to sign.

MR. HOFFMAN. Why does that not apply to public workers' unions?

MR. GRANT. Well, they thought there was a distinction between the separate international unions, such as UPW, UAW, and so forth. They thought that there was a distinction there between them and the national A. F. of L. and the CIO. According to what I understand, the Board still follows the procedure that the international unions, like the UAW or the UPW, would have to file affidavits if they expected to participate in a bargaining election.

MR. HOFFMAN. All right. Assuming that you are wrong about that, and that Flaxer and these other officers of UPW do not need to sign these affidavits, then what other provision of the law stands in the way of bargaining collectively?

MR. GRANT. There is nothing in the law that I know of beyond the fact that if we dismissed a thousand employees who were out of work presumably when they took the job, and were looking for work—if we dismiss those thousand people, we would be subject to suit for unfair labor practices in having taken them on and dismissing them in order to carry out an agreement that might be reached with the union that has not been certified. This union has not yet been certified.

MR. HOFFMAN. I take it it is the position of your organization that before you will bargain with any union—bargain collectively—there must be an election and a certification by the Board; is that right?

MR. GRANT. Yes, sir; we feel that that is a condition which we have a right to expect.

MR. HOFFMAN. There is no question about your right to do it if you want to do it.

MR. GRANT. Both for our benefit and for the benefit of the employees, because without that certification, neither the employees nor ourselves can have recourse to the National Labor Relations Board, and apparently we cannot have recourse to the Conciliation Service either.

MR. HOFFMAN. Well, now, if you keep your present employees, is there not some place where you can find room for those who are now out of jobs and who formerly belonged to 471, and who have not found other jobs?

Mr. GRANT. I do not think we have any vacancies to speak of at the present time, sir. As turn-over occurs we can take care of them.

Mr. HOFFMAN. How many a month do you have in turn-over?

Mr. GRANT. I will leave that to Mr. Niehuss.

Mr. NIEHUSS. The normal turn-over, sir, would run somewhere between 100 and 150 a month.

Mr. HOFFMAN. A month.

Mr. NIEHUSS. Yes, sir.

Mr. HOFFMAN. It would take 10 months before these people would be all back, if none of them found jobs.

To my mind these folks have been the victims of bad advice, and here they are now out of their jobs, and somebody else has their jobs. We would like to do whatever we can to help them.

Mr. GRANT. I would like to say that we feel that very much, and we do not hold this against the poor people who have been misled, but we feel that we owe a certain allegiance to the law as it stands and as we understand it.

Mr. HOFFMAN. And to those who came in and helped you out.

Mr. GRANT. And the protection of those who stayed on with us, and those who helped us out by coming in. And while these people are out of a job, the other people who have come in were out of a job before they came. So that it is six of one and half a dozen of the other.

Mr. HOFFMAN. The thing I had in mind was to make clear to these people that their hope of getting back there had some reasonable ground of being realized or that it was hopeless, that is all. Every time you see them walking on the picket line in the snow and the cold, you cannot help but sympathize. So I take it, then, that your organization will insist upon an election being held upon the choosing of new bargaining officials, representatives, for the union.

Mr. GRANT. I am sure the board of trustees will be ready to bargain with any union that is certified by the National Labor Relations Board and therefore can enter into what you would call an authorized or regular contract with us.

Mr. HOFFMAN. If these folks who are out of jobs have enough friends now in your employ to control the election, you will bargain with 471.

Mr. GRANT. If they are certified and when they are certified.

Mr. HOFFMAN. Yes, sir. You would be willing to waive the signing of that affidavit by the national officials, Flaxer and those other fellows, or do you not want to answer on that one?

Mr. GRANT. That is a question, as we understand it now, that is necessary, and I suppose you saw in the paper today that a group in that international union are asking them to resign or to sign.

Mr. HOFFMAN. Yes; I know they are, and I know in Detroit—I think two unions, one of the largest locals, 600—I think Briggs—did ask their officers to resign, and I guess the officers did resign.

Have you some more questions?

Mr. FISHER. No.

Mr. HOFFMAN. Do you think of anything more, or is there anyone here representing the union? I think that is all.

VOICE. There is 3 months' probation before anybody is hired for the job. They are not even considered hired.

Mr. HOFFMAN. Wait a minute. Just a minute. Please understand we cannot settle this strike for you. We can only try to get the facts on the record, so you see where we are.

Three months' probation, is it?

Mr. NIEHUS. No, sir. Under the prior union contract which is now not in existence, there was a clause which stated that a person would serve a 2 months' probationary period, during which period the union would have no say as to whether or not he was retained or discharged. The corporation had the right to let him go in the event it felt he was not satisfactory for the job to which he was assigned. That did not come up under the grievance procedure. That was the fundamental purpose of the 2 months' probationary clause.

Mr. HOFFMAN. My advice has not been asked. Nevertheless, I will volunteer it at the usual risk of being blamed by both sides. My advice would be that if you folks want to bargain, if you want this company to bargain with 471, it looks to me as though the only way to do it would be to have your friends who are in there and who are working petition for an election.

VOICE. We don't have any friends in there. We are GSI employees. They are all scabs.

Mr. HOFFMAN. Three hundred of your former members are in there.

VOICES. No; no; they are scabs; all scabs in there.

Mr. HOFFMAN. I just withdraw my nose and keep it out of your trouble.

VOICE. We are GSI employees.

Mr. HOFFMAN. General Grant, we want to thank you very much for coming over.

Mr. GRANT. Very glad to come, sir. We regret this very much, sir. In view of the fact that these people were working in the Government buildings, and in view of what seemed to us to be the intent of the law, and in view of the fact that they were dominated by the United Public Workers of America, we felt that it was almost the duty to insist upon their qualifying and being recertified as bargaining agent for our employees.

And I would like to add and confirm what General Fleming said, that I do not believe that the mass or majority of the employees are disloyal or anything of that sort, but they are under leadership that as things have turned out in the course of events, since we first made this request of them, dominated by what appeared to be subversive influences, as far as the information that we can get leads us to think. Of course, we have no inside information.

Mr. HOFFMAN. The committee is not in the least criticizing you or anyone else. We are just trying to get the facts on the record.

TESTIMONY OF W. H. BROWN, STEWARD, LOCAL 471, UNITED CAFETERIA EMPLOYEES UNION, WASHINGTON, D. C.

Mr. BROWN. I am one of the stewards of the union.

Mr. HOFFMAN. Will you give your name?

Mr. BROWN. W. H. Brown.

Mr. HOFFMAN. And your residence?

Mr. BROWN. 1476 Newton Street NW.

Mr. HOFFMAN. Very well, if you wish to sit down.

Mr. BROWN. The thing that I have been trying to get in my mind, I have heard the statement made twice today that the members of 471 were misled by its leadership. I do not know what grounds that could be stated upon.

Mr. HOFFMAN. I will tell you right there what my grounds are. These folks are out of jobs, that is all.

Mr. BROWN. I mean to say, they are out of jobs; on those grounds they are out of jobs.

Mr. HOFFMAN. You are out of jobs because they followed the advice of the leadership.

Mr. BROWN. What is so bad about the leadership predicating their actions upon the understanding that the collective bargaining had nothing to do with the signing of the non-Communist affidavits?

Mr. HOFFMAN. That is true enough. That is the union. The employer could have bargained with you if it had desired, but it did not have to bargain if it did not want to, and everything, and that having been the law, and the purpose of Congress being to squeeze the Communists out of the labor movement, do you not see that is why they put that in there, that the officers of the unions should deny that they were Communists?

Mr. BROWN. I hoped it would not be considered that our leadership was bad.

Mr. HOFFMAN. Maybe not, but they just refused; they sat right back in their breeches and they said, "We won't sign." Do you not see? Why my wife tells me, before you come to dinner, comb you hair or wash your face; she cannot make me, but I do it.

Mr. BROWN. The leadership was unable to sign at the particular time.

Mr. HOFFMAN. Why?

Mr. BROWN. Owing to 471 local union is a democratic organization, and following the legislation of that law with the understanding that we did not have to sign for collective bargaining, and the union voted, as a body, in a democratic way, to its officers to not sign unless they was compelled to sign. When that time came they had met the various constituents of the other bodies, and then we found after the conference we had with the representatives here, and we signed those affidavits.

Mr. HOFFMAN. Then maybe I am wrong to this extent, that the fault rests with the membership, which was mistaken just the same as if I buy or sell stock, and the price goes the wrong way, I find out too late, and I just guessed wrong.

Mr. BROWN. If we were wrong, we were led wrong by some of the top leaders, of lawyers, and so on.

Mr. HOFFMAN. That is what I said; the leadership, whoever it was; you got bad advice.

Mr. SMITH. What about this build-up of the union organization, that rump organization? What about this build up the union, the rump organization that I see in the papers?

Mr. BROWN. The union organization? That is what you say?

Mr. SMITH. Yes.

Mr. BROWN. I don't quite understand what you mean.

Mr. SMITH. I see in the papers that there was a meeting held by an organization of your union who classify themselves as "Build Up the Union." Who are they?

Mr. BROWN. I don't know. It is not in our ranks. It may be some others. A lot of papers stated it like the rank and files. That does not belong to us. That is somebody else.

Mr. HOFFMAN. This is Captain Morgan, Pentagon Building, Washington, D. C.

Do you want to make a statement? General Smith, will you question him?

Mr. SMITH. For the purpose of the record, state your official position with the Pentagon Building over here, in regard to the operation of the cafeteria.

**TESTIMONY OF CAPT. PAUL B. MORGAN, QUARTERMASTER CORPS,
UNITED STATES ARMY, POST RESTAURANT OFFICER, PENTAGON
BUILDING, WASHINGTON, D. C.**

Captain MORGAN. I am the post restaurant officer, Pentagon post restaurants.

Mr. SMITH. You are the post exchange officer?

Captain MORGAN. Post restaurant officer.

Mr. SMITH. Do you have a board in connection with that operation?

Captain MORGAN. Yes, sir; we have a council.

Mr. SMITH. You have a council?

Captain MORGAN. Council; yes sir.

Mr. SMITH. Of what does it consist?

Captain MORGAN. Six civilians and two military besides myself. I am not a voting member.

Mr. SMITH. Six what?

Captain MORGAN. Civilians.

Mr. SMITH. Six civilians.

Captain MORGAN. Yes.

Mr. SMITH. Employees of the War Department?

Captain MORGAN. Yes, sir.

Mr. SMITH. Civilian employees of the War Department.

Captain MORGAN. Yes, sir.

Mr. SMITH. Six civilians and two Army officers.

Captain MORGAN. That is right, sir.

Mr. SMITH. And who are the two Army officers?

Captain MORGAN. You mean their jobs or their names?

Mr. SMITH. Their jobs.

Captain MORGAN. Colonel Hasson, David S. Hasson, lieutenant colonel, Veterinary Corps, who is a member of the council, also the post veterinary officer for the Military District of Washington. Maj. Sam Muffie, who is executive officer to the Army Headquarters Command, Military District of Washington.

Mr. SMITH. How long have those two men been on the council?

Captain MORGAN. You want the exact date?

Mr. SMITH. No, no; I just want to know, approximately.

Captain MORGAN. Colonel Hasson, I should say, has been there since about November 1946. Major Muffie, I do not know. He was there when I reported for duty.

Mr. SMITH. Well, of course, the veterinarian is on there primarily for sanitation, is he not?

Captain MORGAN. That is one of his duties, as well as being the council member who keeps the council familiarized with the sanitation angle of it, and also the buying end of it.

Mr. SMITH. Major Muffie is put on there, he is executive officer of the headquarters detachment?

Captain MORGAN. Army headquarters commandant, sir.

Mr. SMITH. Army headquarters commandant.

Captain MORGAN. That is Colonel Jones; yes, sir.

Mr. SMITH. Why is he selected; do you know?

Captain MORGAN. No, sir; only that it is the normal channel that the business is operated through by the Military District of Washington.

Mr. SMITH. We get down to these six civilians. Where do they come from?

Captain MORGAN. Mr. James Cook, who is, I believe, I could not tell you his title, he is directly under Mr. John Marton.

Mr. SMITH. What department are they in?

Captain MORGAN. Secretary of the Army.

Mr. SMITH. Secretary of the Army?

Captain MORGAN. Office of the Secretary of the Army.

Mr. SMITH. All right. Who is the next one?

Captain MORGAN. Mr. Carroll Diamond, who is the chief of personnel for the Adjutant General's Office; Mr. Cary Shaw, he is also connected with the office of the Secretary of War. I am not sure of his capacity. Mr. Gray is chief of personnel of the Air Corps. Miss Oakes is an employee of the Signal Corps. I do not know just her capacity. Mr. Beattie is with the Transportation Corps.

Mr. SMITH. Now, for what purpose—do you have any idea for what purpose any of these six civilian employees were selected? What was the basis of their selection?

Captain MORGAN. The selection, sir, was based on the PX regulation which states very definitely the number and type of members that will be on the post restaurant council.

Mr. SMITH. What does that regulation provide?

Captain MORGAN. Without seeing the regulation, I believe it is six to nine members.

Mr. SMITH. Is there any member on that board, of that council, that is primarily concerned with security inside the Pentagon Building?

Captain MORGAN. Yes, sir; Major Muffie.

Mr. SMITH. Major Muffie?

Captain MORGAN. Yes.

Mr. SMITH. Would you say that Major Muffie is the only one whose selection was based upon security reasons?

Captain MORGAN. Yes, sir. However, I do not say that his selection was based on security reasons, but he is the only possible one.

Mr. SMITH. He is the only possible one?

Captain MORGAN. Yes, sir.

Mr. SMITH. Do you know how the employees, messengers, and others that work around the building are selected and hired by them except by civil-service regulations?

Captain MORGAN. No, sir.

Mr. SMITH. You have nothing to do with that?

Captain MORGAN. No, sir.

Mr. SMITH. Mr. Boehm, who is the manager of the corporation that operates the cafeteria, the National Food, has stated that some time ago you had a conference with him relative to adopting some security measures for the cafeteria employees that are employed in the Pentagon Building, is that correct?

Captain MORGAN. I wish you would state that again.

Mr. SMITH. I say Mr. Boehm, here, testified a while ago that some time ago you consulted with him relative to some security measures for the employees of the cafeterias over there, is that correct?

Captain MORGAN. Yes, sir; we discussed the possibility of having all employees sign an affidavit as a security measure for the War Department. Yes, sir.

Mr. SMITH. Did that directive come down to you from the council or how did you get that word that you wanted to do this?

Captain MORGAN. Sir, I don't know whose idea it was. It came to me through Major General Gay, who was the commander of the military district, through channels.

Mr. SMITH. How long ago was that?

Captain MORGAN. I should say it was shortly before the 1st of the year, the latter part of December.

Mr. SMITH. And what was the form that this security measure was to take, that you decided to use a blank?

Captain MORGAN. No, sir; there was no form. It was merely a thought.

Mr. SMITH. Merely a thought.

Captain MORGAN. Yes, sir.

Mr. SMITH. And then you worked out the idea and discussed it with Mr. Boehm, was that it?

Captain MORGAN. I do not recall whether I discussed it with Mr. Boehm or not, but any form that has been worked out—in fact there has been no completed form out as yet, sir.

Mr. SMITH. I believe Mr. Boehm testified that you had some forms; that is, when you discussed this matter with him.

Captain MORGAN. They were not forms, sir, a completed form. I had drawn up a tentative copy of what I felt should be contained in this new building pass that we were contemplating giving to the restaurant and concessionaire employees over there, and that was in relation to that. However, he has seen no completed form, nor have I, because there is none.

Mr. SMITH. He did not testify that he had seen any completed form. He said that when he talked to you, that you had some forms there relative to these security measures around there for these employees.

Captain MORGAN. I think I know what you mean now. I think he refers to a handful of the regular civil-service affidavits, and I also had the FBI forms that are required for the fingerprinting, and so forth, of civil-service people, and I believe that probably is what Mr. Boehm referred to. We were discussing at that time whether or not it would be a proper time to have all people concerned, whether they be civil-service or noncivil service paid from nonappropriated funds, required to sign some sort of an affidavit, the same as the civil-service

employees have to sign, of loyalty to this country. That was the discussion that was going on, as I recall it.

Mr. SMITH. How far along have you gotten with this contemplated plan?

Captain MORGAN. No, sir; we are no further along than we were at that time.

Mr. SMITH. Nothing further has been done about it?

Captain MORGAN. We have worked some on the contemplated pass, a new pass, and our office file card copy of that pass, which, of course, we have to keep in our office, but that is all that has been done.

Mr. SMITH. Did the Exchange Council authorize this?

Captain MORGAN. No, sir; it has not been presented to them.

Mr. SMITH. They would have to O. K. it before it was put in operation.

Captain MORGAN. Yes, sir; yes, sir.

Mr. SMITH. As I understand, you are simply working on a form that when a person comes to work over there that they will show that to any guard or any person that wants to see it, when they come to work.

Captain MORGAN. The form that we are working on is the card, the index card, which we will keep in the office. The building pass itself, which is the card that they show to the building guard, is simply nothing more than a different colored pass which will be issued to them with practically the same wording on them except that it will not be an official War Department pass. It will be known as a restaurant pass, and will be open to both the employees of the National Food Corp. and to the employees and concessionaires in the concourse.

Mr. SMITH. And these forms that you are contemplating using would not only apply to all of the employees of the cafeteria, but also to all of the employees that work there in the building in the concessions.

Captain MORGAN. Everybody who works for any of the Pentagon post restaurant operations, if and when this particular affidavit goes into effect, will be required to sign; yes, sir; as a security measure, including myself, if I get out of the Army.

Mr. SMITH. And what do you contemplate on that form? Are you going to ask them point-blank, "Are you a Communist or affiliated with any of the communistic organizations?"

Captain MORGAN. It has not reached that extent, sir. We have felt right along that it should take a form to comply more or less with the same affidavit that the civil-service employees are required to sign, which I do not believe states anything about Communists.

Mr. SMITH. What does it state? Have you seen one of those?

Captain MORGAN. Yes, I have.

Mr. SMITH. What does it state?

Captain MORGAN. Well, that is something I would hesitate to say.

Mr. SMITH. To support the Constitution of the United States?

Captain MORGAN. Yes; it is a loyalty affidavit.

Mr. HOFFMAN. That requirement about disclosing your membership or affiliation or belief in the Communist Party is not in there. That was left out.

Mr. SMITH. Do you contemplate leaving that out?

Captain MORGAN. We contemplate using the same form.

Mr. SMITH. That Civil Service uses?

Captain MORGAN. But because, of course, they do not work directly for the United States Government, we contemplate striking out that part.

Mr. SMITH. You have no idea as to when you will go ahead and try to get this card system worked out?

Captain MORGAN. I do not, yet, sir.

Mr. SMITH. It is only in the formative stages.

Captain MORGAN. Yes, sir.

Mr. SMITH. That is all.

Mr. FISHER. At the time the contract was made, the union with which you dealt had not met the provisions of the law regarding the non-Communist affidavits of the officers, had it, Captain?

Captain MORGAN. I don't believe so. I don't believe they ever have met that.

Mr. FISHER. Did you go into that or consider that feature of it when you were negotiating that?

Captain MORGAN. That was handled by the National Food Corp. We did not negotiate.

Mr. FISHER. Well, the contract was between you and the National Food Corp.; was it not?

Captain MORGAN. Our contract to manage the restaurant part of the post restaurant operations is let to the National Food Corp.

Mr. FISHER. Yes; I understand.

Captain MORGAN. It is through their management they employ their own employees there.

Mr. FISHER. I see. You are not party to that negotiation.

Captain MORGAN. No, sir; they do their own negotiating.

Mr. FISHER. That is all.

Mr. HOFFMAN. So far as you know, and speaking of course only for yourself, is it the policy of the Army to cooperate with the Congress which appropriates the money?

Captain MORGAN. Most certainly, sir.

Mr. HOFFMAN. And, so far as you know, the Army believes in going along, at least as to domestic policies, with the Congress; does it not?

Captain MORGAN. I believe that is their policy.

Mr. HOFFMAN. Of course, that is your idea.

Captain MORGAN. Yes, sir.

Mr. HOFFMAN. So you think, or assuming that the Congress, when it wrote the Taft-Hartley Act, desired to freeze the Communists out of the labor unions, do you not think that you should go along with the Congress in that effort?

Captain MORGAN. Yes, sir.

Mr. HOFFMAN. If it be true that Communists believe in the overthrow of the Government by force, that puts them right away on the opposite side from the Army.

Captain MORGAN. Yes, sir.

Mr. HOFFMAN. Because it is the duty of the Army, as I understand it, to protect the rest of us.

Captain MORGAN. Yes, sir.

Mr. HOFFMAN. In the Pentagon Building we have what, broadly speaking, who is in there and what do they do.

Captain MORGAN. Headquarters.

Mr. HOFFMAN. For the Army?

Captain MORGAN. For the Army, sir.

Mr. HOFFMAN. Which makes it policy for the Army to a certain extent, national defense is over there.

Captain MORGAN. Yes, sir.

Mr. HOFFMAN. And all of the subordinates, many of them.

Captain MORGAN. Yes, sir.

Mr. HOFFMAN. The policy-making group of the Army is there.

Captain MORGAN. I believe so.

Mr. HOFFMAN. The confidential end of what do you call it, Central Intelligence, are they over there?

Captain MORGAN. I do not know, sir.

Mr. HOFFMAN. You do not know about them.

Captain MORGAN. No, sir.

Mr. HOFFMAN. Well, anyway, the whole defense machinery centers right over there, does it not, in the Pentagon?

Captain MORGAN. Sir, I am only a post restaurant officer there. These are answers I cannot make to you.

Mr. HOFFMAN. We will assume that the major activities of the armed services are over there in the Pentagon, and there would be the place where information which would be of value to our enemies originates and perhaps is kept.

Captain MORGAN. Right, sir.

Mr. HOFFMAN. And these people are not Federal employees, are they? They are not under civil service.

Captain MORGAN. No, sir; none of them.

Mr. HOFFMAN. They are just the employees of a private corporation.

Captain MORGAN. Right, sir.

Mr. HOFFMAN. If I go over to the Pentagon and want to see you, I have to have a card, do I not?

Captain MORGAN. Not during the day, sir, but you would after 6 o'clock at night.

Mr. HOFFMAN. Not during the day?

Captain MORGAN. No.

Mr. HOFFMAN. Then I have not had all of my privileges, because I have had to show my card every time I wanted to see anybody over there.

Captain MORGAN. We stopped that about a year ago over there.

Mr. HOFFMAN. You are quite careful about who wanders around where papers are?

Captain MORGAN. Yes.

Mr. HOFFMAN. Would you agree as a general proposition with me that most people are inclined to gossip a little while having coffee, or over their meals?

Captain MORGAN. I think so.

Mr. HOFFMAN. And that the cafeteria or the dining room is a very, very good place to get information.

Captain MORGAN. I would assume it would be.

Mr. HOFFMAN. Outside of the old milkman and the old-fashioned iceman, the waiter has about as good an opportunity as anybody; does he not?

Captain MORGAN. I believe so, sir.

Mr. HOFFMAN. Would you not think that then it would be wise for the Army to use every precaution to safeguard information over there?

Captain MORGAN. Yes, sir.

Mr. HOFFMAN. Some people have opportunity to get into waste baskets, all of those things, carry messages back and forth. For instance, if I was a messenger over there, and I was down in the cafeteria, I would have a chance to talk with—let Mr. Fisher be the messenger and I was a waiter, I would have a chance to talk with him and gossip a little bit.

Captain MORGAN. I question whether any of the people that knew very much there would be gossiping with the waiters.

Mr. HOFFMAN. But the messenger that carried these things around. We get a surprising amount of information. This reporter got some stuff that is highly confidential and the secretary to the President does not know about it, and the man who was supposed to get the order does not know about it. He has some contacts. I do not know whether it was the messenger boy or who. Here is an example of how this stuff leaks out.

Captain MORGAN. I realize that. I think, however, that the War Department has taken care of that amply, sir. I do not believe there are any secret papers—

Mr. HOFFMAN. You would be surprised what a Congressman gets from folks in the War Department, telling us about things going on. Like General Meyers; a hint here and there comes along.

My thought all boils down to this: Do you not think it would be a very good thing, as long as the Congress has passed the Taft-Hartley Act, designed in one feature at least to squeeze the Communists out of the labor unions, that when you are dealing with the labor union, you go along with the Congress and require that union officers comply with the provisions which we have written into the law?

Captain MORGAN. Sir, I definitely will do anything that is written into the law, certainly should and will be and has been complied with, I believe.

Mr. HOFFMAN. No, no. Here is a union which has not complied with the provisions of the Taft-Hartley Act, as to the filing of these anti-Communist affidavits. Admitting your legal right to bargain with this union or to bargain with anybody you wanted to, however good or however disreputable it would be, it would seem to me, and I may be wrong, that it would only be the part of good fellowship, good neighbors, if you want to put it that way, to go along with the Taft-Hartley Act.

When the Government lets people into buildings, you see what I am getting at.

Captain MORGAN. Yes, sir.

Mr. HOFFMAN. Do you not think now that there is a little mistake made in bargaining with these fellows here who have not the slightest objection to hiring people who do not deny that they are Communists? Do you not think it would be a good thing to cooperate with us?

Captain MORGAN. Very definitely, sir.

Mr. HOFFMAN. I cannot force myself to reconcile the Army dealing with an organization such as this gentleman represents who will deal with people who are charged with being Communists, and who are not concerned enough to deny it. I think that is all I have.

I wish you would suggest that to some of your superiors and then it will not be necessary to call up the head of the armed forces to find out whether in asking us for 10, 12, 16 billion dollars, or what it is, he is still going to let people who have been charged with being Communists, and against whom there is evidence, to take them in.

I know you would not like to be bunked next to any Communist.

That is all for me.

Mr. FISHER. That is all.

Mr. SMITH. Nothing further.

Mr. HOFFMAN. Thank you very much.

We have asked for the President's secretary, Mr. Ross, who has been out to lunch for some time, to give us information about this, but he has not called back. Whoever is in the office said he would. We have asked for someone from the Washington Post to tell us about the accuracy of the story carried on the first page. It seems to me that a story like that, stating directly that the White House has ordered Federal Works Administrator to do something which the law does not require them to do, they get all of the benefit that they might derive from favoring a particular group, even if it was a group where people had been charged with being Communists, and did not seek to deny it, they get all of the benefit out of that, and then leave us hanging in the air, and leave the people hanging in the air.

Mr. Klein, a member of the full committee, asks that we incorporate in the record a letter written by him on February 4, 1948, to Richard A. Bancroft, together with Mr. Bancroft's reply.

(The letters are as follows:)

Mr. RICHARD A. BANCROFT,

*President, United Cafeteria and Restaurant Workers Union, Local 471,
Washington, D. C.*

DEAR Mr. BANCROFT: This will acknowledge receipt of your letter of February 4 with which you enclose a memorandum pointing out the differences in the contract provisions of GSI 1947, and the National Food Corp. 1948 contract.

After speaking to you on the telephone yesterday I called Secretary Schwellenbach. He seems hopeful about settling the strike and suggests that I do nothing publicly since he is fearful any action may upset the delicate negotiations presently being worked out.

If you feel at some future date that negotiations have collapsed and that I can help, do not hesitate to call upon me as I feel more than ever that something should be done to settle the strike and help these previously underpaid people now on strike.

With kind regards, I am

Sincerely yours,

ARTHUR G. KLEIN, M. C.

FEBRUARY 4, 1948.

Hon. A. G. KLEIN,

House Office Building, Washington, D. C.

DEAR Mr. KLEIN: In conformance with your request we are enclosing herewith a memorandum which shows the main points of difference in the contract provisions of the Government Services, Inc., 1947 contract and the National Food Corp. 1948 contract.

We thank you for the interest you have shown in this dispute. We shall be highly appreciative of any action you may take that will expedite a fair settlement.

Very truly yours,

RICHARD A. BANCROFT, *President.*

MEMORANDUM

Main points of difference in contract provisions of Government Services, Inc., 1947 contract and National Food Corp., 1948 contract:

NATIONAL FOOD CORP. (1948)

GOVERNMENT SERVICES, INC. (1947)

Wages (for all classifications)

\$0.80 to \$1.27 per hour.

\$0.73½ to \$1.20½ per hour.

Probationary period (10 cents hourly differential)

6 months.

2 months.

Part-time employment (10 cents hourly differential)

4 hours through 6 hours per day.

3 hours through 5½ hours per day.

Full-time employment

8 hours per day.

6 hours through 8 hours per day.

Sick-leave pay

Not compulsory for employee to be confined to home or hospital in order to collect benefits if injury or illness incapacitates employee.

Regardless of injury or illness employee must be confined to home or hospital in order to collect benefits.

Lay-offs and promotions

Company wide seniority. 14 days notice and option to accept jobs in lower classification in cases of lay-offs of permanent employees.

No company wide seniority. No notice and no option to accept jobs in lower classifications in cases of lay-offs.

Group hospitalization

All employees covered by plan financed by the employer.

No provision.

Cheek-off

Voluntary.

Involuntary.

No-strike clause

Protects union from unwarranted law-suits.

No protection against unwarranted law-suits.

Transfer of shop stewards

Employer gives union 10 days' notice in cases of permanent transfer of shop stewards from one department to another.

Employer gives union no notice in cases of transfer of shop steward.

Mr. HOFFMAN. We will recess.

(A recess was taken at 3:45 p. m., and the committee reconvened at 3:50 p. m.)

Mr. HOFFMAN. Mr. Ross said that the question was brought up at the press conference this morning, and that he was instructed by the President to make the statement that the President had no comment to make, that the matter remained where it did originally in the hands of the Secretary of Labor. Mr. Ross said he would send us up a letter to that effect as a part of the record. So that ends that.

Apparently the President in his statement that he has no comment neither admits nor denies. So Mr. Wilder has that much.

Mr. WILDER. Thank you.

Mr. HOFFMAN. That is all there is of any importance today. We will adjourn until 10 o'clock tomorrow.

(Whereupon, at 4 : 55 p. m., an adjournment was taken until Wednesday, February 11, 1948, at 10 a. m.)

INVESTIGATION OF GSI STRIKE

WEDNESDAY, FEBRUARY 11, 1948

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D. C.

The subcommittee met, pursuant to adjournment, at 10 a. m., in room 1501, New House Office Building, Hon. Wint Smith, presiding.

Mr. SMITH (presiding). The committee will come to order.

Will you state your name for the record?

TESTIMONY OF JAMES RUSSELL WIGGINS, MANAGING EDITOR, THE WASHINGTON POST, WASHINGTON, D. C.

Mr. WIGGINS. James Russell Wiggins.

Mr. SMITH. What is your position?

Mr. WIGGINS. Managing editor of the Washington Post.

Mr. SMITH. Yesterday Mr. Hoffman, I believe, talked to you over the telephone.

Mr. WIGGINS. Yes, sir.

Mr. SMITH. Mr. Hoffman had to leave town last night, and you stated at that time you would come up this morning. The committee would like to ask some questions relative to an article appearing in the Washington Post day before yesterday morning.

Mr. WIGGINS. Yes, sir; that is right.

Mr. SMITH. Mr. Fisher.

Mr. FISHER. Mr. Wiggins, as you know, Mr. Hoffman, the chairman of the subcommittee, which has been investigating the strike and the reason for the closing of two of the cafeterias here, talked with you yesterday, and that followed the testimony of Mr. Wilder, your reporter, of the Washington Post, regarding the story which appeared in the paper yesterday morning, February 10.

Mr. WIGGINS. Yes, sir.

Mr. FISHER. In the hearings yesterday, when General Fleming was testifying, there appears this colloquy between them, which is the basis for this further hearing this morning:

Mr. HOFFMAN. Now, Mr. Fleming, I have before me one of the morning papers which states this, and I read it: "The White House has ordered Federal Works Administrator Philip B. Fleming to require Government Services, Inc., to bargain with the union that is striking against 42 GSI cafeterias.

You will note it is a quotation from the first paragraph of the story referred to in the Washington Post yesterday morning.

The question then was asked of the Federal Works Administrator:

Have you received any such order or request?

Mr. FLEMING. I have not. I talked to Mr. Ross about this this morning, and he knows of no such order.

You can understand the implications of the story, assuming that it is well founded, or the implications, if it is not well founded, because it puts the President in the position of taking a part in the controversy and possibly taking a stand with regard to the compliance with the Taft-Hartley Act in this strike that has been going on for nearly a month, and so forth.

The committee was interested in knowing the source of that story, or any elaboration that could be made regarding it. It can very well give false hope to these hundreds of people who are out on strike, assuming that it is ungrounded, and as stated by General Fleming yesterday, it implies that he intervene and order bargaining, when he says he has no authority whatever under the contract to order bargaining, so it might carry the implication that the President is asking the Government to violate its contract.

So because of all of those implications, it was felt by the committee that the subject should be explored further.

Can you tell us anything about this, any more than Mr. Wilder has already told us.

Mr. WIGGINS. I do not have Mr. Wilder's testimony before me, so I am not sure how much he told you.

Mr. FISHER. Just a moment. Mr. Wilder's testimony was, with respect to the paragraph which I have quoted, "I wrote that story on the basis of a number of facts that I gathered in the course of my work yesterday, over the week end."

Mr. HOFFMAN. Would you mind telling us who told you?

Mr. WILDER. I prefer not to.

Mr. HOFFMAN. We will forget that part of it until we hear from the President's secretary, but as I get it, your position is that you do not care to tell us where you got that information.

Mr. WILDER. No; I got the information under the strictest confidence.

And that is the end of that colloquy with reference to the source of the information.

It would appear, would it not, that either General Fleming or the person who gave the information to Mr. Wilder has falsified; is that not correct?

Mr. WIGGINS. Such inference I think ought to be approached very cautiously. There is large room for misconstruction and differences of opinion about the nature of an order. I would be reluctant to say that General Fleming had falsified or that anyone else involved had falsified.

I may say that you spoke of the dangers of placing a false construction upon the wishes or actions of the President. I feel that the President of the United States is quite competent in his own behalf to deny any allegation that is made that misrepresents his point of view.

Mr. FISHER. Do you think he should be called upon to deny those things?

Mr. WIGGINS. I think if the consequences were as serious as you imply, that he probably would be moved to do so in the public interest.

Mr. FISHER. Reminding you again of the question that was propounded to General Fleming, you say that probably he had received such orders; is that the meaning of your answer, from the White House?

Mr. WIGGINS. In my opinion the story that we received is in its essentials correct.

Mr. FISHER. The story is "The White House has ordered Federal Works Administrator Philip B. Fleming to require Government Services, Inc., to bargain with the union that is striking against 42 GSI cafeterias."

Mr. WIGGINS. That is right.

Mr. FISHER. And then the question:

Have you received any such order or request?

Mr. FLEMING. I have not. I talked to Mr. Ross about this this morning and he knows of no such order.

Are you still able to reconcile the statement in the Washington Post with the answer from General Fleming, and say that they can be reconciled?

Mr. WIGGINS. I am not attempting to reconcile them or to prove them in conflict. I only say we obtained the information from sources we believed to be adequate and reliable, and we have confidence in the essential truth of the story.

Mr. FISHER. Are you in a position to tell us who communicated the story, the orders to General Fleming that you referred to, without disclosing the source of your information?

Mr. WIGGINS. I think not.

Mr. FISHER. Well, why do you object to telling that, Mr. Wiggins?

Mr. WIGGINS. I think we have told all that we can with propriety tell of the sources or origins of that story in the published part of the story itself.

Mr. FISHER. I am not asking you about the origin of the story. I am asking you by whom or how the order referred to in the Washington Post was communicated to General Fleming.

Mr. WIGGINS. I prefer to stand on the story.

Mr. FISHER. And I am not asking you to divulge the source of your information.

Mr. WIGGINS. Thank you.

Mr. FISHER. You decline.

Mr. WIGGINS. I wish to stand on the story.

Mr. FISHER. You decline to answer or elaborate on that.

Can you tell us whether the order from the White House to General Fleming which was contained in the story in the Washington Post was communicated by letter, by telephone, or otherwise, or in what manner it was communicated?

Mr. WIGGINS. No, sir; I cannot.

Mr. FISHER. Do you know or is it a matter of not knowing how it was done, or a matter of not desiring to tell.

Mr. WIGGINS. I prefer to stand on the story.

Mr. FISHER. You prefer not to answer the question, is that correct?

Mr. WIGGINS. That is right.

Mr. FISHER. And the reason why you do not want to answer it is because you consider it divulging confidential information, is that it?

Mr. WIGGINS. Partly.

Mr. FISHER. I repeat again that I am not asking you for the source of your information; I am only asking you to elaborate on the story for it—

Mr. WIGGINS. You appreciate that at a certain point the elaboration on the story becomes divulging of the source of the information, of course.

Mr. FISHER. Of course, you know more about that than I do.

Mr. WIGGINS. I think we both understand.

Mr. FISHER. Presuming the person who carried the orders is the one then who told you, I can see how that would be true.

Mr. WIGGINS. Yes.

Mr. FISHER. There is a further story in the paper this morning, I notice, under the heading "Truman order on GSI denied by Fleming," in which there is contained this statement:

Additional information gathered by the Washington Post last night meanwhile reinforced the earlier story that the White House has made very clear its determination to have Fleming persuade GSI to reach a settlement.

Now, you can give us the substance of the information you have, without disclosing the source of it, that causes you to conclude that the White House has made very clear its determination?

Mr. WIGGINS. You may be sure, sir, that since we are engaged in the business of publishing a newspaper and circulating news that we have utilized all of the news we had on the subject, and felt free to make public in the story itself.

Mr. FISHER. Then you have no objection to disclosing in question and answer here any additional information that is not contained in the story which you have.

Mr. WIGGINS. On the contrary——

Mr. FISHER. So long as you are not divulging your confidential sources.

Mr. WIGGINS. On the contrary, I think you may safely assume that we have divulged all of the information that I think we can divulge in the story itself.

Mr. FISHER. All right. I will ask you this question with respect to the statement in the morning paper, which says that that information gathered reinforced the earlier story that the White House has made very clear its determination, and so forth. The story here does not say what information was gathered.

Now, then, will you tell us what information was gathered which forms the basis for that conclusion?

Mr. WIGGINS. I think I should be unable to do so without disclosing the nature of the sources.

Mr. FISHER. I am not, you understand, asking you to disclose the nature of your sources.

Mr. WIGGINS. I can only repeat that there comes a point in the elaboration of the nature of the information in which the disclosure of the sources is involved.

Mr. FISHER. I would be glad for you to use the old newspaper method of saying from a reliable source or something of that kind. You cannot elaborate then at all on the conclusion.

Mr. WIGGINS. I will be glad to say that. The sources which we consulted we believed to be reliable.

Mr. FISHER. All right. You say that. And those reliable sources you say reinforced the earlier story.

Mr. WIGGINS. Yes, sir.

Mr. FISHER. But you do not feel that you can elaborate one bit on that conclusion without disclosing the source of your information.

Mr. WIGGINS. I think that would be a correct statement of my position.

Mr. FISHER. Do you take the position that General Fleming had been contacted regarding this by the White House regarding the so-called order?

Mr. WIGGINS. I think that would be a reasonable construction to place on the original story, and on the subsequent one.

Mr. FISHER. Your testimony is, then, that with regard to the story that appeared in the paper yesterday morning—that is February 10—General Fleming had been contacted by the White House with respect to the alleged orders which had been sent to him regarding this strike.

Mr. WIGGINS. Well, I think that is a fair construction to place on the lead paragraph of that story.

Mr. FISHER. Is that your testimony now?

Mr. WIGGINS. I testify only as to the story. I think that is a fair construction to place on it.

Mr. FISHER. Is it a fair construction then to put on the story to say that your information was that General Fleming had been contacted by the White House regarding this before the story was written with regard to the orders referred to in the story?

Mr. WIGGINS. Yes; I think that would be fair.

Mr. FISHER. Then the story was based upon an information you have which you considered reliable that the White House had communicated with or contacted, to use the word I used just now, General Fleming, with respect to the orders referred to in the story of February 10.

Mr. WIGGINS. There might be a nice question of timing here, you understand.

Mr. FISHER. Oh, I see.

Mr. WIGGINS. I would not wish to indicate that I was privy to the precise moment at which this intelligence was conveyed, which opens up an opportunity to reconcile his statement and the White House statement.

Mr. FISHER. That is fine. I am glad you said that.

Now, then, let us go to the time part of it, because certainly that would not disclose the source of your information or anything confidential that you had gotten.

You say the story is correct in saying that General Fleming had been contacted with respect to the orders. Now, when or approximately when was he contacted by the White House——

Mr. WIGGINS. I am not able to disclose that.

Mr. FISHER. On that subject?

Mr. WIGGINS. I really can't say.

Mr. FISHER. Do you know?

Mr. WIGGINS. I really can't tell you. No; I do not know.

Mr. FISHER. You do not know.

Mr. WIGGINS. No.

Mr. FISHER. Can you estimate the time or approximate it?

Mr. WIGGINS. No; I can't.

Mr. FISHER. Would you say it has been within the past week?

Mr. WIGGINS. I cannot give you any time on it. I just simply do not know.

Mr. FISHER. Do you know whether or not it had been within the past week? I am trying to fix an approximate date so as to be able to appraise the story.

Mr. WIGGINS. I think that what I should say on that would be hearsay, I do not—

Mr. FISHER. I will ask Mr. Wilder, who is present.

Mr. Wilder, with reference to the information about the contact between the White House and Mr. Fleming, did that contact occur within the past week, or approximately when did it occur, according to your information?

Mr. WILDER. From the legal point of view it would be hearsay. Journalistically the information was based on reliable sources, sources we believed to be reliable, and I can only say, without divulging and safely, that it happened recently, on the basis of our information.

Mr. FISHER. We often receive hearsay, in fact, most everything you write is hearsay, is it not, in the nature of that?

Mr. WILDER. Legalistically, yes.

Mr. FISHER. Let us see if we can be more specific about the time, since that would not violate any confidential relationship.

Mr. WILDER. It might. It might very well violate a confidence, in that the information was given with certain reservations. The information was given with the understanding that certain parts of the information would not be disclosed. Be assured, for example, that there are many things that were not in the story that could have been told, but which, if told, might have indicated the source of the story. Mr. Wiggins, as he points out, states you can go just so far in elaborating, and keep the source a secret, which I was committed to do.

Mr. FISHER. I understand that. I am not asking you to.

Mr. WIGGINS. If you narrow it, if I can interrupt here, if you narrow down the points of time and identify the people who were not there, it is conceivable, without testifying directly, you could so clearly communicate an idea of the identity of the person conveying the information, and I think we prefer to stand on the story as it is written.

Mr. FISHER. Mr. Wiggins, I have not asked you to eliminate anybody who was there when the information was given at all. I inquired only about the time, which is very vital and important in this hearing.

Mr. WIGGINS. I understand that.

Mr. FISHER. And I would assume that the timing, the disclosure of the time would not—

Mr. WIGGINS. Let us assume we were able to give you the exact time down to the second, that you could very readily find out who was in the President's presence at that time; that would come pretty close to being a disclosure of the source of the information. This is purely a hypothetical suggestion.

Mr. FISHER. Well, to protect you there, I will ask you about the day and not the second, because he sees many people every day.

Mr. WIGGINS. I think we better rest on the story as it is written. I think that is as close as we can go. We obtained from a reliable source the information that it was the President's, the White House

wish, as the story indicates, that this action be taken. We are satisfied that this information is essentially correct.

MR. FISHER. Are you satisfied—

MR. WIGGINS. And that the source is reliable.

MR. FISHER. Are you satisfied that that wish was conveyed to General Fleming?

MR. WIGGINS. The details of the conveyance is a matter which I cannot go into much further than the story.

MR. FISHER. Can you be any more specific and I will cut this off, because I am just trying to explore how much you can tell about it, that would be of value to the record, can you be any more specific on the question of whether the alleged orders as they are called in the story were ever actually communicated in any form or other to General Fleming by the White House?

MR. WIGGINS. I think we cannot elaborate on the information in the story.

MR. SMITH. Mr. Wiggins, the first story says that the Chief Executive officer of this country ordered; now, an order is different than a persuasion or a request or something else. The first story says he ordered General Fleming to do so. Now, in your second story that Mr. Fisher read, you are talking there about persuasion, and to my mind there is a lot of difference between an order and persuading somebody.

In your second story could you have used the word "order" just as well as you did in the first story, instead of "persuade General Fleming"?

MR. WIGGINS. Our intelligence was that there had been a directive or an order to do this, but I wish to emphasize that the definition of an order in terms of civilian parlance and military parlance is two different things, and probably General Fleming might construe an order to be a signed and sealed directive, while I might regard an order as something a superior officer informally indicated I ought to do. As to that, I do not know.

MR. FISHER. I remind you that the question to General Fleming was, "Have you received any such order or request," which is rather general, is it not?

MR. WIGGINS. Yes.

MR. FISHER. And the general's answer was, "I have not. I talked to Mr. Ross about this this morning and he knows of no such order."

MR. SMITH. In your second story on this you used the word "persuading." Was that just a difference between using the word "order" and "persuasion" or was that something that you are toning down?

MR. WIGGINS. I am not sure that it was a conscious effort to reword it. I did not write the story. I assume that the reporter in both cases used the language that he thought most appropriate to the information on which he stood.

MR. SMITH. I have no further questions.

MR. FISHER. Mr. Wiggins, you stated a moment ago that if the particular time of day were disclosed—

MR. WIGGINS. That was purely hypothetical.

MR. FISHER. I understand—that it would indicate who the President was talking to when he gave the order or instruction or suggestion or whatever you want to call it.

Do you mean by that that the President himself gave the alleged order?

Mr. WIGGINS. No, sir. I only meant to suggest that in any of these matters by proceeding far enough with the elimination of true and false matters, you can arrive at disclosure of source. Therefore, we feel compelled to stand on the information we have conveyed which we think is about as far as we can go in fairness to our sources.

Mr. FISHER. That is all.

Mr. SMITH. That is all.

The committee is adjourned.

(Whereupon, at 10:35 a. m., an adjournment was taken subject to call of the Chair.)

INVESTIGATION OF GSI STRIKE

SATURDAY, FEBRUARY 28, 1948

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D. C.

The subcommittee met in executive session at 10 a. m., in room 429, Old House Office Building, Hon. Clare E. Hoffman (chairman of the subcommittee) presiding.

Mr. HOFFMAN. The committee will come to order.

Inasmuch as this is an executive session, if you gentlemen who have been so kind as to come up will step into the other room here, the witness room, all except Mr. Strong, we will call Mr. Strong first. We will try and get rid of all of you this morning just as quickly as we can.

I will insert in the record at this point a news release from this subcommittee, unless there is objection.

(The news release is as follows:)

[Press release, February 27, 1948]

In answer to an irresistible demand from the people, the Congress passed, and later, by more than two-thirds vote, overrode the President's veto of, the Taft-Hartley Act. Later the President, in a message to Congress, notwithstanding his disapproval of the law, advised the Congress, and, through it, the people, that the administration, because it was the law of the land, would give it support.

Among other things, the act took from the Labor Department the Conciliation Service and established it as an independent agency, now headed by Mr. Ching.

In the December strike by Local 471 UCRW, an affiliate of UPWA-CIO, the employer—GSI—a private corporation, though dominated by a board of directors consisting of nine Federal employees headed by General Grant, and operating 42 cafeterias in Federal buildings, refused to deal with local 471, charging as reason for its refusal that the officers of local 471 had refused to sign anti-Communist affidavits and were not the bargaining representatives of its present employees.

Thereafter, one of the officers of the local resigned; the others signed the affidavits.

Apparently, GSI still refuses to bargain because it has hired new employees and because there has not been an election under the Taft-Hartley Act designating bargaining agents for the employees.

The President was quoted as directing Secretary of Labor Schwollenbach to attempt to mediate the dispute. Later, the Washington Post, in a front-page story by Frank Wilder, stated that the President had ordered General Fleming, who is the Administrator of the Federal Works Agency, to close 40 of the cafeterias. Two others have been closed—the one in the Supreme Court Building by the marshal of the Court; and one in the Labor Department Building by Secretary of Labor Schwollenbach.

Called before the committee, General Fleming testified that he had not received the order, that, in view of the contract existing between the Government and the GSI, the cafeterias could not be closed by him without a 6 months' notification.

Still later, according to the press, the President designated George E. Strong to mediate and conciliate the strike. Neither Secretary Schwelienbach, General Fleming, nor Mr. Strong has any authority under the Taft-Hartley Act to act as mediator or conciliator. That authority, as stated, is by the law given to Mr. Ching.

There have been persistent rumors that pressure has been brought by the administration and its representatives to force GSI to bargain with local 471 and to discharge its present employees, some of whom are members of the AFL, some members of local 471, and some nonunion members.

To learn how much of truth, if any, there is in these rumors, to ascertain whether the administration is deliberately endeavoring to bypass the Taft-Hartley Act, to ascertain whether pressure is being brought by the administration upon individuals who fall within the provisions of the civil-service regulations, an executive hearing will be held Saturday, February 28, at 10 o'clock in the forenoon in the hearing room of the House Committee on Education and Labor.

At that time, it is expected that there will appear as witnesses: George E. Strong, attorney; J. S. Davitt, administrative assistant, Navy Department; A. E. Demarary, Interior Department; H. C. Donaldson, Justice Department; E. F. Gillen, retired, Navy; R. F. Martin, General Accounting Office; C. A. Peters, Federal Works Agency; W. E. Reynolds, Federal Works Agency; A. J. Williams, Maritime Commission.

At 2 p. m., the same day, the following will appear: John R. Steelman, Assistant to the President; Oliver T. Palmer, business agent, local 471; John W. Cross, attorney for GSI; J. C. Niehuss, personnel manager, GSI; Maj. Gen. U. S. Grant III, president, board of trustees, GSI; John W. Gibson, Assistant Secretary of Labor; Maj. Gen. Philip B. Fleming, Administrator, Federal Works Agency; R. R. Ayers, general manager, GSI.

MR. HOFFMAN. Mr. Strong, do you solemnly swear that the testimony which you shall give shall be the truth, the whole truth, and nothing but the truth, so help you God?

MR. STRONG. I do, sir.

MR. HOFFMAN. Proceed.

TESTIMONY OF GEORGE E. STRONG, SPECIAL CONCILIATOR FOR GSI STRIKE, WASHINGTON, D. C.

MR. STRONG. My name is George E. Strong. My business address is 640 Shoreham Building, Washington, D. C. My home address is 403 Wilson Lane, Bethesda, Md.

MR. HOFFMAN. You are an attorney?

MR. STRONG. That is right, sir.

MR. HOFFMAN. And what, if any, position do you hold with the Government?

MR. STRONG. I hold none.

MR. HOFFMAN. Did you ever hold any?

MR. STRONG. Yes. I have held a number of positions with the Government.

MR. HOFFMAN. Let us see. Start at the last one, and go backward, and the length of time.

MR. STRONG. Very well. I suppose the last position I might say I held, I was chairman of the Nonferrous Metals Fact-Finding Board in 1946, and that was—I was paid my expenses by the Department of Labor in that case. That was under an act of Congress which made it possible for an attorney practicing before the Government nevertheless to hold such a position.

Then before that I was in the Army Air Forces from April 1941 until October 1945.

Mr. HOFFMAN. In what capacity?

Mr. STRONG. Well, I started out in Detroit under then Major Doolittle. It was a procurement district, and my job was to handle intelligence, and as a minor part public relations and labor relations.

Mr. HOFFMAN. And was that your function in the Labor Department when you were working there?

Mr. STRONG. I was not in the Labor Department.

Mr. HOFFMAN. You said your expenses were paid by the Labor Department.

Mr. STRONG. That was merely when I was on this Nonferrous Metals Fact-Finding Board.

Mr. HOFFMAN. What were your duties on that Board?

Mr. STRONG. Well, we held hearings out in Denver and here.

Mr. HOFFMAN. To determine what?

Mr. STRONG. There was a strike on in all of the nonferrous metal mines and smelters all over the country.

Mr. HOFFMAN. That is what you were put on for?

Mr. STRONG. I was chairman of that board with two other members.

Mr. HOFFMAN. To conciliate strikes?

Mr. STRONG. We made a report in which we made findings of fact and recommendations.

Mr. HOFFMAN. For the settlement of the strike?

Mr. STRONG. That is right, sir.

Mr. HOFFMAN. And you were working then, do you say, you were paid by the Labor Department?

Mr. STRONG. I was under no one.

Mr. HOFFMAN. Who appointed you?

Mr. STRONG. I was appointed by the Secretary of Labor.

Mr. HOFFMAN. Then you were working under the Secretary of Labor, were you not?

Mr. STRONG. I was not working under him.

Mr. HOFFMAN. If you were appointed by him, you received your pay from him.

Mr. STRONG. I was a free agent. I received no instructions as to what I should find.

Mr. HOFFMAN. But you were told to find the facts with reference to the merits of the dispute.

Mr. STRONG. That is right, sir.

Mr. HOFFMAN. And before that, were your duties with the Navy similar?

Mr. STRONG. I was not with the Navy.

Mr. HOFFMAN. With Doolittle of the Air Force.

Mr. STRONG. No; the Air Force duties were quite different. I started out in 1941 in charge of intelligence, and at that time we merely reported a possible strike or stoppage that might affect production.

Mr. HOFFMAN. But it was in connection with labor trouble, especially.

Mr. STRONG. No; my main concern was with intelligence.

Mr. HOFFMAN. Intelligence, but working with or where labor disputes occurred.

Mr. STRONG. No, sir; my main function was to try to work out a system to protect the plants from possible sabotage and subversive influences.

Mr. HOFFMAN. On the part of whom?

Mr. STRONG. Anyone. In all of these, in the automobile industry, in the aircraft industry.

Mr. HOFFMAN. You see, what confuses me is that we have Central Intelligence, and we have the Department of Justice, and the FBI.

Mr. STRONG. This is Army Intelligence, Army Air Force.

Mr. HOFFMAN. Were you a member of the Army Intelligence?

Mr. STRONG. That is right.

Mr. HOFFMAN. Before 1941, what were you doing with the Government?

Mr. STRONG. I was with the Securities and Exchange Commission from 1935 through 1940. I was an attorney with the SEC.

Mr. HOFFMAN. General counsel, or something of that kind?

Mr. STRONG. I was with the trial attorney, sort of trouble shooter. I went out and tried cases. I had lost my wife in 1935, and I had been in private practice and I wanted to get away from Washington, and I was offered a job down there with no strings attached, and I went out over various, mostly out in the West and South and tried cases.

Mr. HOFFMAN. What kind of cases?

Mr. STRONG. Security Act cases, involving security frauds on the Securities Exchange Act, oil royalties, mining frauds, and some aircraft frauds, and for a while I was deputy regional administrator in the Denver region, and for a while I was the same down, I was acting down in Fort Worth.

Mr. HOFFMAN. What was your first connection with this dispute between GSI and local 471?

Mr. STRONG. On February 13, Friday, I received a call from Mr. Gibson, the Assistant Secretary of Labor.

Mr. HOFFMAN. John Gibson?

Mr. STRONG. Yes, Assistant Secretary of Labor in the Department of Labor, and he asked me if I knew anything about this GSI strike, and I said, "Well, very little", that I had read something about it in the papers. He wanted to know if I would be willing to help in the settlement of it, and I said, well, that depended on how much time it would take. He did not think it would take very long, he said, and said, "All right, if you think I can be helpful, I will be glad to do it."

I heard nothing more until Saturday night.

Mr. HOFFMAN. The 14th.

Mr. STRONG. The 14th. I had a call from Mr. Cross, attorney for GSI, and he said that General Grant and General Fleming and Mr. Ayers and he wanted to confer with me on the GSI matter.

Mr. HOFFMAN. Just a minute. Let us go back.

Did you, before you had the call from Cross, receive any other information or instructions from Mr. Gibson?

Mr. STRONG. No, sir.

Mr. HOFFMAN. Or from any other member of the Government?

Mr. STRONG. That is right. I did not receive any.

Mr. HOFFMAN. Did you talk with any individual between the time you talked with Mr. Gibson and the time you talked to Mr. Cross?

Mr. STRONG. I did not.

Mr. HOFFMAN. And will you tell us all of the conversation you had with Gibson, or have you given it all?

Mr. STRONG. I have given you the conversation with him.

Mr. HOFFMAN. You did not discuss with him in any way any of the facts connected with the strike?

Mr. STRONG. No; I did not even expect——

Mr. HOFFMAN. Nor the dispute?

Mr. STRONG. I did not know I was going to come into it, sir. I thought I was under consideration, that is all.

Mr. HOFFMAN. You had this call from Cross saying they wanted to meet.

Mr. STRONG. That is right, and that was the first indication that I had that I was in the picture.

Mr. HOFFMAN. Did Cross tell you where he learned that you were to be called?

Mr. STRONG. I am not sure whether he did or not. I am not sure about that, sir.

I remember telling him that I was not aware that I was in this.

Mr. HOFFMAN. You were aware because Gibson told you.

Mr. STRONG. He did not tell me I was in it.

Mr. HOFFMAN. What did he tell you?

Mr. STRONG. He asked me if I was willing.

Mr. HOFFMAN. And you said you were?

Mr. STRONG. I did.

Mr. HOFFMAN. You had not been appointed.

Mr. STRONG. I had not been.

Mr. HOFFMAN. When were you first appointed?

Mr. STRONG. I will go on. When Mr. Cross told me he wanted to meet me as soon as possible, I said, "Well, all right, I will be glad to meet with those gentlemen down in my office."

Mr. HOFFMAN. Did you at that time tell him that you had not been appointed.

Mr. STRONG. Yes; I told him I knew nothing about it. I just told him I had this conversation with Gibson, and that is all I knew. But I assumed his call—I should go ahead, so I said, "I will meet with you at 3 o'clock." I suggested first 3:30 and then——

Mr. HOFFMAN. When was that?

Mr. STRONG. We agreed on 3:30, that would be Sunday on the 15th; the 15th, yes.

And I met down there with General Grant, Mr. Ayers, and Mr. Cross. General Fleming was not there.

They said that I had been suggested in this thing, that they didn't know much about me, but they had been checking up and they wanted to know a little bit more about my background and experience in this field.

I explained to them what it was, and then General Grant said that the idea was that I was to be in the nature of a conciliator between GSI and the union.

Mr. HOFFMAN. Grant suggested that?

Mr. STRONG. General Grant; yes, sir.

Mr. HOFFMAN. Who else was present?

Mr. STRONG. Mr. Ayers and Mr. Cross.

And I said, "Well, I would like to know a little bit more about it." I said, "I don't know very much about this thing. I would also like to know better just what my duties and responsibilities and powers are going to be."

He said, well, that his understanding was that I was merely to endeavor to work out something between the parties, work out some settlement.

Mr. HOFFMAN. By doing what?

Mr. STRONG. As conciliator. As I understand it, conciliator is one who merely works between the parties and explores the facts and tries to get them to come to an agreement. You have no powers beyond that.

Mr. HOFFMAN. Of course, you knew at that time that the Congress had established the Department of Conciliation under the head of Mr. Ching; did you not?

Mr. STRONG. Yes.

Mr. HOFFMAN. Did you make any suggestion to Mr. Gibson or these other gentlemen that they use that service?

Mr. STRONG. I knew that.

Mr. HOFFMAN. I say did you make any such suggestion?

Mr. STRONG. No, I didn't; no, sir. I didn't think that was any part of my responsibility to attempt to tell them what they should do, sir.

Mr. HOFFMAN. Go ahead with the conversation.

Mr. STRONG. So I called General Fleming at his home.

Mr. HOFFMAN. That is Sunday afternoon.

Mr. STRONG. That is right, sir. And asked him just whether I had been put into this thing, and if so, just what my duties were.

Mr. HOFFMAN. Is that when these gentlemen were there?

Mr. STRONG. Yes. And he said, "Well, you are to be the negotiator for GSI."

Mr. HOFFMAN. The negotiator for GSI?

Mr. STRONG. That is right, sir.

Mr. HOFFMAN. Who was going to negotiate for the union?

Mr. STRONG. The union negotiating, nothing was said about who was going to negotiate for the union at that time. I had not had any contact with anybody in the union.

Mr. HOFFMAN. Did you understand that Fleming represented GSI?

Mr. STRONG. That is just what he told me, and I said, "Well, I would like to know a little bit more about what my duties and responsibilities are going to be," and he said, well, he would have a conference with me the next day down at the office.

I went back to General Grant and I said, "General Fleming says I am negotiator for GSI."

He said, "Well, that does not mean that you have any power to make any decision. That is not agreeable to us. It merely means that we have agreed that you could come into this."

Mr. HOFFMAN. Did he say who he meant when he said "we."

Mr. STRONG. No; I presume he was speaking for the GSI board. They have a board there, and he is the president, speaks for them.

Monday I went down to see General Fleming, and he told me that he was much in the nature of a landlord and GSI the tenant, that he had, that I was negotiator in this matter for the GSI board, but that he hoped I would be able to work out a settlement.

We talked of some other things, I think about some of our experiences, and that was about the sum total of it.

I then got in touch with, I think it was about that time, I got in touch with the union. I could be in error.

Mr. HOFFMAN. Who?

Mr. STRONG. Mr. Palmer; I called down to the union headquarters.

Mr. SMITH. Was that Monday, now?

Mr. STRONG. Yes.

Mr. HOFFMAN. The 16th.

Mr. STRONG. Yes.

Mr. HOFFMAN. Did you go to the union headquarters?

Mr. STRONG. No.

Mr. HOFFMAN. You called them by phone.

Mr. STRONG. I called them on the telephone. I called the headquarters there, and I said that I wanted to talk to whoever represented the union in this matter.

Mr. HOFFMAN. What did you tell Palmer?

Mr. STRONG. Well, it is pretty hard to remember.

Mr. HOFFMAN. A summary of it.

Mr. STRONG. I can tell you in general. I knew very little about it. I had no idea of its complexity. I felt that the first thing for me to do was to try to do, to get the facts on both sides.

I also talked with Mr. Cross on that Monday. I found out that he had a number of law questions that troubled him very much.

Mr. HOFFMAN. A number of what?

Mr. STRONG. Law questions, questions of law on this matter, possible damage suits, possible unfair-practice suits.

Mr. HOFFMAN. Damage suits from the people who were not members of the union, and who had been employed?

Mr. STRONG. Damage suits from any people that they should release in order to make way for the people that were on strike.

Mr. HOFFMAN. That is to say—listen, I might say this; then he was fearful that there might be damage suits by his then employees if they were discharged so as to give jobs to members of 471.

Mr. STRONG. That is right. And he was also afraid of a suit as unfair labor practice, because he told me that there were, that they had notice from an A. F. of L. union that was trying to organize their employees, intimating that they should, that there might be action taken by the A. F. of L. union, and of course, that was pretty, that was a problem, and I wanted to explore that.

Then of course I tried to find out from Palmer how many of their people were on strike, and he had no definite ideas. He finally said he thought there were 1,100.

Well, then, I inquired from Mr. Cross or Mr. Ayers, I don't know which, but I inquired from them how many, and they said well, there could not be more than a thousand, that they had a little over 1,300 of this working group at the time of the strike, and they had put in about 1,000 replacements and about from, that fluctuating group of between 300 and 250 of their old employees stayed in their employment, so it would run something around a thousand.

He also said that in his opinion there were not more than probably 500 that would want to come back, if that many, and, of course, Palmer told me 1,100.

I said to the union, "Well I would like to have something more definite than that. Will you make a check?" And they said "Yes."

Mr. HOFFMAN. What was the result of that check?

Mr. STRONG. They raised it to 1,200.

Mr. HOFFMAN. Did they give you any names?

Mr. STRONG. No, sir.

Mr. HOFFMAN. Let me interrupt your thought there just a moment.

Mr. STRONG. Yes.

Mr. HOFFMAN. Did you at any time during your talks with Palmer, with any of these parties, any of the GSI or the 471 officials, or with Mr. GIBSON, suggest that or call their attention to the fact that the Congress had passed the Taft-Hartley Act, and that in it was a Conciliation Service, and that one of the first steps would be to call for an election?

Mr. STRONG. Well, no; I didn't.

Mr. HOFFMAN. Have bargaining agents certified?

Mr. STRONG. There was not any reference to the Conciliation Service at any time.

Mr. HOFFMAN. Was there any question about the Taft-Hartley Act?

Mr. STRONG. Yes; there was, and one of the questions was whether or not these people on strike were still employees.

Mr. HOFFMAN. The GSI suggested that they might not be?

Mr. STRONG. No, no.

Mr. HOFFMAN. Who suggested that?

Mr. STRONG. No—Yes; some members later on, when I met with the GSI board, some of them seemed to be surprised that under the Taft-Hartley Act until these people abandoned their strike, they were still employees. Mr. Cross agreed with me that they were employees. And some of the members of the board, I don't remember which ones, that seemed to be the first time that they had thought of these people as being any longer their employees.

Mr. HOFFMAN. You mean to say that under the Taft-Hartley Act these people who went out on strike and remained were still employees?

Mr. STRONG. That is right, under section 2.

Mr. HOFFMAN. Under what?

Mr. STRONG. Section 2, as I recall it, unless they cease picketing or they abandoned the strike under the Taft-Hartley Act, which is, the section 2, is a good deal the same as the old Wagner Act.

Mr. HOFFMAN. You understood all of these cafeteries were operating.

Mr. STRONG. Yes.

Mr. HOFFMAN. Except two; one in the Labor and one in Justice.

Mr. STRONG. There are numerous decisions under the Wagner Act, and the language is not different in the Taft-Hartley Act. That is significant.

Mr. HOFFMAN. The Taft-Hartley Act also provides for measures to force collective bargaining, does it not?

Mr. STRONG. Yes; that is right.

Mr. HOFFMAN. Did you suggest at any time that the union use those facilities?

Mr. STRONG. How do you mean?

Mr. HOFFMAN. Of the Taft-Hartley Act.

Mr. STRONG. I knew when I talked to the union—

Mr. HOFFMAN. What?

Mr. STRONG. I knew from talk with the union that they had filed, the union had filed, the noncommunistic local had filed these Communist affidavits, and I inquired about the national, and they told me very

positively that the national would not, or its international; I don't know that, they would not sign these.

Mr. HOFFMAN. It is your understanding that the national must file those affidavits before GSI could bargain with local 471?

Mr. STRONG. No; I understand they have the privilege of bargaining with them.

Mr. HOFFMAN. No, no.

Mr. STRONG. But before they can be forced by the NLRB, the international would have to file it.

Mr. HOFFMAN. You mean to avail, for 471 to avail itself of the Taft-Hartley Act, the national officers of the national would have to file?

Mr. STRONG. That is my understanding.

Mr. HOFFMAN. You understand that to be so?

Mr. STRONG. That is my understanding.

Mr. HOFFMAN. I understood there was some ruling to the contrary somewhere along the line.

Mr. STRONG. I don't know about that.

Mr. HOFFMAN. Can you go back to where you left off?

Mr. STRONG. Yes.

Mr. HOFFMAN. You had gotten back where there was a dispute as to the number of people who were actually on strike.

Mr. STRONG. In the meantime I had these questions of law raised, and I knew that Gibson had been in this picture and I called—

Mr. HOFFMAN. Wait a moment. How did you know Gibson had been in the picture?

Mr. STRONG. From the union.

Mr. HOFFMAN. From the union?

Mr. STRONG. Yes.

Mr. HOFFMAN. Who in the union?

Mr. STRONG. I knew also that Gibson was a member of the CIO.

Mr. HOFFMAN. Who in the union told you that Gibson was in the picture?

Mr. STRONG. Well, I am not sure who it was, whether Mr. Bernstein or Mr. Palmer. There were three or four of the members. I am not sure who it was.

Mr. HOFFMAN. Did you talk with Gibson about that?

Mr. STRONG. Then it was Tuesday, the first time I called Gibson. That was, let's see, that was the 17th.

Mr. HOFFMAN. The 18th.

Mr. STRONG. Was it on Tuesday.

Mr. HOFFMAN. Monday was the 16th, Tuesday the 17th.

Mr. STRONG. Monday the 16th, yes.

Mr. HOFFMAN. You called Gibson?

Mr. STRONG. That is right, and told him I wanted to see him.

Mr. HOFFMAN. Just a moment. Let's go back. You got nowhere; reached no conclusion at this Sunday meeting, nor your Monday conference with the union officials?

Mr. STRONG. I felt that at that particular stage of the matter I was doing nothing more than conciliate, because I did not have enough information or facts to warrant anything further, and I just simply—what I needed to do was to explore, when I found out there were all of these legal questions and complexities, and how tough this situation was, I felt the only intelligent thing for me to do was to try and get

the facts, and also find something about the law in this thing, and I had not had occasion to study the law of these matters.

So I asked Gibson for a conference, and I went down and told him I would like to have some help. I would like to have some of the lawyers down there in the Labor Department find some cases for me, that I could study for myself, save me some time.

Mr. HOFFMAN. Wait a minute. I wonder, Mr. Reiman, if you want to call somebody from the Ball committee, some of their legal staff, and have them come over here and have them sit in, any of those attorneys. I do not care which one. Tell them that we would like to have them. They are on the joint committee.

Mr. STRONG. Do you want me to go ahead?

I went down and saw Gibson. I told him I wanted to have some help; I was trying to move as rapidly as I could in this thing, but I was having trouble trying to find out how many people were involved in the thing, No. 1, and that I had these questions of law which Mr. Cross was very insistent on. I knew he was an able lawyer, and I knew that I had not had a chance to study those things.

So he took me in to see Judge Schwellenbach, the Secretary of Labor.

Mr. HOFFMAN. Give me that last name.

Mr. STRONG. Secretary of Labor, Judge Schwellenbach. And I told Judge Schwellenbach that I had two problems, one was this question of law that I had asked Mr. Gibson for help, and the other one was just what my status was, and he told me, well, I was negotiator for GSI.

He also said in his opinion that this concern of Mr. Cross about possible damage suits was not, did not have much substance, so I left with the understanding that I was to get these citations from the Department of Labor, their legal staff, as soon as possible.

I did get them, I think, the next day, on the 19th.

In the meantime I was continuing conferring with both parties. I don't know whether it was the 19th or 20th, or just when it was, along there somewhere, that it occurred to me that maybe the United States Employment Service could be of some help on the number of referrals, so I contacted them by telephone, told them my difficulty, who I was, in this thing, and that one of the difficult problems here was as between the old employees and the new employees, and that management, that I thought that they were agreeable to bringing their——

Mr. HOFFMAN. Who did you talk with in USES?

Mr. STRONG. I can't recall the man's name now. If I could, it is——

Mr. HOFFMAN. If you will just send it up to us.

Mr. STRONG. I will. It begins with "S." It was not the man in charge, but it was his assistant.

Mr. HOFFMAN. Go ahead with the testimony.

Mr. STRONG. Yes. And he said, well, he would see what he could do, and several hours later he called back and he told me that in the hotel and restaurant business here in Washington there was about a 15-percent turn-over, that that was more than twice the turn-over of comparable work in the area, it was about a little under 7 percent, but in the hotel and restaurant it was about 15 percent, and that the hotel side of it was more stable than the——

Mr. HOFFMAN. Turn-over per month?

Mr. STRONG. Yes, sir. In the meantime Mr. Cross and Mr. Ayers had told me that their turn-over was running somewhere around 25

to 30 a day; that they had about 100 vacancies due to the closing of the Labor cafeteria and the Supreme Court and one at Langston, I think it is, I think it was, or some such spelling, and that they had about 50 or 75 vacancies.

I remember it was Tuesday, that was the 17th, that I suggested to them that they hold up hiring new people, if it was not necessary, and they agreed that they would not hire any more people excepting what was necessary to keep the cafeterias going. Of course, they had to consider the service to these Government employees, and as a matter of fact, I know that the Labor Department cafeteria being closed has been a matter of quite a bit of inconvenience, and resulting in the employees having to have a longer lunch hour. I know it has been quite a matter of annoyance, and particularly during the bad weather, and then they said that things being equal, and assuming no trouble and bitterness on the part of their supervision, that their supervision would prefer the old employees, with the exceptions, to new, because they were trained, and that they had called their old employees and tried to get them to come back, and they had gotten some of them back; in fact, they had gone out on the picket line and gotten two people to come in and work, left the picket line and passed their pickets on to someone else, and come in and gone to work.

The GSI rather early when I was—when I say I was conciliating, this thing evolved as I went along, they indicated that they thought a possible solution of this would be along these lines.

Mr. HOFFMAN. That is to say, as they needed new employees they would take the members of the union.

Mr. STRONG. That is right.

Mr. HOFFMAN. All right.

Mr. STRONG. And give them priority because they were trained people.

Mr. HOFFMAN. But the GSI insisted that they would not discharge the present working employees.

Mr. STRONG. That is right.

Mr. HOFFMAN. To accept members of the union.

Mr. STRONG. They were consistent in that throughout, and more than that—

Mr. HOFFMAN. Do you find any fault with that attitude?

Mr. STRONG. Well, I am not, I have not been critical of their attitude. As a matter of fact, if you will let me tell this, I tried to work it out along those lines, and I was making quite a bit of progress. In fact, I was hopeful even up until last night that I could do it.

Mr. HOFFMAN. Nothing this committee has done or any statements issued by it have interfered in any way with your negotiations.

Mr. STRONG. Yes, it has.

Mr. HOFFMAN. In what way?

Mr. STRONG. The mere fact—

Mr. HOFFMAN. Wait a minute. Let us get you right there. Has this committee done anything that has interfered with your action?

Mr. STRONG. Well, when you started sending out subpoenas—

Mr. HOFFMAN. When was that?

Mr. STRONG. I don't know whether it was yesterday or the day before. I didn't get any, of course. They tried to serve me and I was out of the office. I was working on this. I was with GSI at that time.

Mr. HOFFMAN. You told me last night, did you not, over the phone, that you were deadlocked on the thing?

Mr. STRONG. Yes; I was.

Mr. HOFFMAN. You were glad to have us try to help you out?

Mr. STRONG. I said I would appreciate any help I could get.

Mr. HOFFMAN. I guess so.

Mr. STRONG. Wait a minute here. I want to be clear. When you issued those subpoenas, you pretty effectively stalemated me.

Mr. HOFFMAN. How is that?

Mr. STRONG. Well, I thought that I was getting somewhere yesterday afternoon.

Mr. HOFFMAN. What were you doing?

Mr. STRONG. I had, I was, I met with GSI most of the afternoon.

Mr. HOFFMAN. You told some of the Congressmen that we had interfered with you, did you?

Mr. STRONG. No.

Mr. HOFFMAN. Or reporters?

Mr. STRONG. No; I did not say; I said the reporters called me.

Mr. HOFFMAN. What did you tell the reporters. Let us have that while you are at it.

Mr. STRONG. They asked me about this thing, whether it would interfere with us or not. I could not predict. I didn't know.

Mr. HOFFMAN. You gave them to understand that you thought it would, did you not?

Mr. STRONG. I did not, sir.

Mr. HOFFMAN. I might say to you—all right; go head.

Mr. STRONG. I haven't had very many people question my honesty or integrity; no.

Mr. HOFFMAN. Nobody is questioning that now, your honesty or integrity. I am questioning you, at least your authority to attempt to bypass the Taft-Hartley Act.

Mr. STRONG. I haven't attempted—

Mr. HOFFMAN. And settle a dispute on your own for the benefit of Mr. Gibson.

Mr. STRONG. I say I have not attempted to bypass the Taft-Hartley Act or settle a dispute on my own at the instance of Mr. Gibson.

Mr. HOFFMAN. Yes; the CIO man.

Mr. STRONG. I said I have not.

Mr. HOFFMAN. You have not at any time suggested to anybody that they use the Taft-Hartley Act, which Congress passed; have you?

Mr. STRONG. That has been a part of this whole thing.

Mr. HOFFMAN. I say you have not suggested to anybody, and if you have suggested to anyone—wait a moment, wait until I get through—I say now, if you suggested to anyone that in settling this strike they follow the Taft-Hartley Act, tell me who it was and when.

Mr. STRONG. I have made no such suggestion.

Mr. HOFFMAN. That is what I thought.

Mr. STRONG. I didn't think that was part of my duties.

Mr. HOFFMAN. That is right. What you were doing was going ahead bypassing the Taft-Hartley Act.

Mr. STRONG. No, sir; I don't think so.

Mr. HOFFMAN. All right; go on.

Mr. STRONG. I think—I don't think the Taft-Hartley Act prevents collective bargaining.

Mr. HOFFMAN. Of course it does——

Mr. STRONG. I don't think it was intended——

Mr. HOFFMAN. But labor for years has been hollering for something that would force collective bargaining, and when we gave it to them, then you and Gibson go along without it. You won't use what Congress gave you.

Mr. STRONG. I simply deny that, sir.

Mr. HOFFMAN. It does not make any difference whether you deny it or not; the facts are right there.

Mr. STRONG. There is no point in linking me up with Gibson. I have had lunch with him twice in my life. I met him out in Detroit when I was handling manpower and labor unionization matters, two or three times out there, and he was very helpful and useful.

Mr. HOFFMAN. You tell us how this interfered, how our hearings interfered with your settlements?

Mr. STRONG. You issued the subpenas.

Mr. HOFFMAN. I hope it did if you were trying to coerce GSI into disregarding the Taft Act.

Mr. STRONG. I was not trying to coerce GSI into disregarding the Taft-Hartley Act.

Mr. HOFFMAN. Go ahead and tell us now how these subpenas interfered.

Mr. STRONG. Well, when they were served, GSI then backtracked from what I understood they were willing to do.

Mr. HOFFMAN. What had they been willing to do?

Mr. STRONG. Well, they had told me that they could take care of between five and six hundred employees.

Mr. HOFFMAN. That they what?

Mr. STRONG. They could take care of between five and six hundred employees.

Mr. HOFFMAN. When did they say they could not?

Mr. STRONG. Yesterday afternoon.

Mr. HOFFMAN. They said they could not do it?

Mr. STRONG. Yes, after they had received subpenas.

Mr. HOFFMAN. Who told you yesterday afternoon they could not?

Mr. STRONG. Mr. Ayers, Mr. Niehuss—they told me that.

Mr. HOFFMAN. Where were they when they told you that?

Mr. STRONG. In Mr. Cross' office, the law office.

Mr. HOFFMAN. Was Cross present?

Mr. STRONG. Yes, sir.

Mr. HOFFMAN. Which one said it, Ayers or Niehuss?

Mr. STRONG. Well, I think they were in agreement, they said this, that the classified——

Mr. HOFFMAN. Wait a minute. Let us get what each one said.

Mr. STRONG. I can't repeat that, sir.

Mr. HOFFMAN. This is only yesterday afternoon. You say they backtracked. Just tell us which one of them made the statement that they could not take care of these men?

Mr. STRONG. I think Mr. Ayers made it, and Mr. Niehuss backed him up.

Mr. HOFFMAN. Mr. Ayres made it?

Mr. STRONG. Yes.

Mr. HOFFMAN. Did he say why?

Mr. STRONG. He said there was not the turn-over among the classified employees, that is the higher-paid employees, with the exception of the cooks, that there was among the general employees.

Mr. HOFFMAN. Yes.

Mr. STRONG. He had the day before, he had said something about that, but he had not indicated that there was—it was going to make a material change in the number involved.

Mr. HOFFMAN. Well, he told you the day before, according to your testimony, or he told you according to your testimony.

Mr. STRONG. The day before, 3 or 4 days before, when we had this discussion, he led me to believe somewhere, five or six hundred.

Mr. HOFFMAN. He told you that they could take care of five or six hundred?

Mr. STRONG. Somewhere around that.

Mr. HOFFMAN. Before that he had told you that the turn-over was 20 per day?

Mr. STRONG. He said 25 to 30; it could be more. He wanted to be conservative. He said that he didn't want to mislead me.

Mr. HOFFMAN. And when he told you that they could take care of 500, he also told you that they could take care of part of them in the Labor and part in the Justice Department?

Mr. STRONG. No; the Supreme Court.

Mr. HOFFMAN. Yes; I mean that.

Mr. STRONG. That would be about 100.

Mr. HOFFMAN. In each, or total?

Mr. STRONG. Total.

Mr. HOFFMAN. Where was he going to get the other 400 jobs?

Mr. STRONG. Well, the daily turn-over was one thing, and then—

Mr. HOFFMAN. But if the daily turn-over was only 25 or 30, that was not 500.

Mr. STRONG. We had had 4 or 5 days then, I think by that time. It had gotten up to between 50 and 75 vacancies.

Mr. HOFFMAN. That was turn-over, that many jobs.

Mr. STRONG. Yes.

Mr. HOFFMAN. Let us call it 75, to be liberal.

Mr. STRONG. Yes. And then he said—

Mr. HOFFMAN. Wait a moment. We only have 175. Where will we get the other 400?

Mr. STRONG. I will try to get it—

Mr. HOFFMAN. Or the other 300 and whatever it was.

Mr. STRONG. He said that he felt that about 125 as a minimum, that is the supervision, assuming there was no trouble in the cafeterias, the supervision would be able, would want to replace the new employees with the old employees, a minimum of 125.

Mr. HOFFMAN. 125?

Mr. STRONG. That is right.

Mr. HOFFMAN. Well, now, we have 300. That is still 200 short of your 500.

Mr. STRONG. We have 100, and 175 and 125, is 300, is that right?

Mr. HOFFMAN. That is right.

Mr. STRONG. I don't have—I made some notes of the picture there. I didn't bring them along. I didn't know I was going to go into this. Then he felt that there would be employees that would quit, that

once the new employees started to coming back, there would be employees that would quit, and he wanted to be assured of one thing, very definitely, that is, that there was to be no retaliation against the people who stayed on the work or anybody else, no trouble in the cafeteria, and I talked to the union about that. I told them very definitely that there was not to be any retaliation of any kind or no coercion, which not only is a violation of the Taft-Hartley Act, but it would warrant and merit disciplinary action by the management.

I know that I had the feeling, I had been talking to Mr. Cross, and I have been talking to Mr. Ayers and everything, we thought that we could take care of around 500, and then I tried to pin them down on figures, and they came along this way.

Mr. HOFFMAN. All right. We get down to yesterday afternoon. You say that they reneged on it.

Mr. STRONG. Well, yes, they said—

Mr. HOFFMAN. What did they say?

Mr. STRONG. They said the turn-over would be in the general workers there much more than in the classified.

Mr. HOFFMAN. What they told you yesterday afternoon was that the turn-over was not as much as they expected.

Mr. STRONG. In the higher classifications.

Mr. HOFFMAN. Yes.

Mr. STRONG. It would still be around 25 or 30 in the general.

Mr. HOFFMAN. Did they still say they could take care of 500?

Mr. STRONG. No, they did not.

Mr. HOFFMAN. What did they say they could take care of then?

Mr. STRONG. They then wanted to hedge it down; they didn't give me an exact figure.

Mr. HOFFMAN. What reason did they give?

Mr. STRONG. I don't know. They just said that was the picture, and I had said this, I said, "Now, look, if you people don't, I am going to be placed in an indefensible position, if I go in and negotiate a settlement and then you people kick the props out from under me." In other words, if this does not work out as you say it will, if your supervision, because of trouble on the picket line or something like that, say we won't have any of the old employees back, even though they would be desirable, or if you people tell your supervision not to do this, I will be in the position of having got the union to agree to a settlement on the assumption that somewhere around 400 and 500 and incidentally, I approached the union four times on that, on that idea, first time they took the position that they must come back within 3 days, they said last year when they had a strike, and when there were 2,200 employees as against what they claim, around 1,500 this time, that they had come back within 3 days, and they were very adamant on that, that was the first meeting I had with them, and I think that was along about around the 18th or 19th. That didn't make sense to me.

Oh, then they also told me that there had been 500 replacements last year. The union told me that. And management told me that was not true, that there had not been any replacements.

Well, I felt that that changed the picture very materially, and so I felt that the No. 1 is that then we had to get some idea of the number of employees that were involved in the thing.

And as I say, I didn't finish with the USES, they finally called me and told me that about this 15 percent. They also told me that it was

their opinion that 60 percent would be the peak of what they would want to come back, and they thought it was more likely 50 or under that. They said quite a number. They didn't know all of it, what the names of these GSI people were. But they knew some of them that had come to them for referrals, and that they had indicated a number of them that they knew that said they did not want to go back under any circumstances. They were either fed up with the union or fed up with GSI, and didn't want to go back.

They only knew of three that definitely said that even though they got another job that they would go back to GSI.

Mr. Cross and the others had told me that they were not going to sign any contract with the union as long as the national——

Mr. HOFFMAN. They told you that.

Mr. STRONG. That is right, sir

Mr. HOFFMAN. The serving of the subpoenas did not have anything to do with that?

Mr. STRONG. No.

Mr. HOFFMAN. Let us get back to the way it was that the serving of these subpoenas, how that prevented a settlement.

Mr. STRONG. I don't say that did prevent a settlement.

Mr. HOFFMAN. You said here——

Mr. STRONG. I thought I was making progress. I was making progress until the subpoenas were served.

Mr. HOFFMAN. You said under oath here in substance that our investigations had interfered with your getting this settlement. I want you to substantiate it or withdraw it, one or the other.

Mr. STRONG. Well, I will say this.

Mr. HOFFMAN. You tell me.

Mr. STRONG. That is a matter of opinion. Nobody said to me——

Mr. HOFFMAN. Wait a minute.

Mr. STRONG. I can't say that; all I knew is that GSI suddenly became less cooperative and more conservative——

Mr. HOFFMAN. You are getting down——

Mr. STRONG. Than they were before.

Mr. HOFFMAN. That is a matter of fact, you tell me just what yesterday, and I say that is when it came up, the GSI did, which indicated that our investigation was bucking them up.

Mr. STRONG. They indicated the figures they had given me before were high, they thought.

Mr. HOFFMAN. What it amounts to, then, it boils down to this, that the GSI indicated to you that their figures given you before, that is the 500, was too high.

Mr. STRONG. That is right.

Mr. HOFFMAN. And that there would not be that many jobs open.

Mr. STRONG. That is right.

Mr. HOFFMAN. All right. What did this action of this committee or the serving of the subpoenas have to do with those figures?

Mr. STRONG. Perhaps that was a violent assumption, but it was my assumption that the serving of the subpoenas did have something to do with it; as a matter of fact GSI told me all through this thing——

Mr. HOFFMAN. Let us stick to the question of yesterday afternoon so we can nail you down to some facts. You tell me what any member of the GSI told you yesterday.

Mr. STRONG. I didn't talk to any member of the GSI. I talked to Mr. Ayers, the manager, Mr. Niehuss, the personnel manager, and Mr. Cross.

Mr. HOFFMAN. Tell us what they said yesterday, that justifies you in the conclusion that the serving of subpoenas caused them to change their figures.

Mr. STRONG. I am just telling you that they did reduce——

Mr. HOFFMAN. Yes.

Mr. STRONG. The figures.

Mr. HOFFMAN. What justification, if any, have you that the serving of the subpoenas caused them to reduce——

Mr. STRONG. They told me they had subpoenas before this. That is a conclusion of my mind.

Mr. HOFFMAN. If you will stick to the facts, instead of making charges that you cannot substantiate, we will get along better.

Mr. STRONG. You asked me questions, Mr. Congressman.

Mr. HOFFMAN. You bet I did.

Mr. STRONG. I am just as much of an American citizen as you are.

Mr. HOFFMAN. You certainly are.

Mr. STRONG. I will answer the questions to the best of my ability, and when you ask me for an opinion, I will give you that.

Mr. HOFFMAN. I asked you for what it was, where you had that, and you cannot substantiate it, but yet you run around to the press and tell them.

Mr. STRONG. I didn't run around to the press; they called. They have been calling me day and night. The reason you were not able to serve a subpoena was trying to get away from them.

Mr. HOFFMAN. We could not find you all yesterday.

Go ahead. What did they tell you, and who told you yesterday afternoon that they would finally do what they would do?

Mr. STRONG. They told me that they would go ahead on replacement basis; they would give priority to the old employees.

Mr. HOFFMAN. That is the same thing they told you before.

Mr. STRONG. That is right; that is right.

Mr. HOFFMAN. That is right, and the only difference between yesterday afternoon's session and the previous ones was that they told you that they evidently were mistaken as to the number of replacements available.

Mr. STRONG. That is right.

Mr. FISHER. The prior statement they made about that was just an estimate about the 500, was it not?

Mr. STRONG. Yes.

Mr. FISHER. Just a rough estimate?

Mr. STRONG. It was all estimates and they were afraid——

Mr. FISHER. Surely.

Mr. STRONG. See, that I would go and represent to the union that they will take care of four or five hundred people, and then it would develop that I could not——

Mr. FISHER. Yes.

Mr. STRONG. And that I would blame them and feel that they had misled me.

Mr. FISHER. Of course.

Mr. STRONG. And I felt in this whole thing, particularly with this type of union, and with these Negro people, that I could not be of any

constructive factor in this thing, whether the Congressman believes it or not, that is what I was trying to do, was the only reason for my coming into it, was to try to do it, but I felt that if I were in the position, see, I didn't know these—this union at all, and they were distrustful of me from the first, they inquired about my clients; I happened to represent some corporations; I have never represented a labor union, except in one matter where I arbitrated a matter between two departments of the same union, was paid by the union to settle a seniority dispute that had arisen, that had been running since 1941, in which neither the management nor international could settle. They agreed to arbitration. That is the nearest I have come to representing a union.

Mr. FISHER. You would naturally want GSI to be conservative in their estimates, would you not?

Mr. STRONG. Yes; that is right.

Mr. FISHER. And if after going over the situation they decided that their prior estimates were a little high, you would want them to come in as they did yesterday and scale them down.

Mr. STRONG. I was standing in the situation of having to go back to the union and tell them that anything around four or five hundred was just out of the question, that it was now substantially under that.

Mr. FISHER. Do you think GSI was—

Mr. STRONG. That pretty well, that pretty well—

Mr. FISHER. Do you not think that GSI was correct in coming and telling you that the estimate was too high?

Mr. STRONG. Oh, I am not criticizing them, but there was a changed attitude. Before, they seemed to be wanting to build up them—I mean early, in the early talks with them—they wanted to build up the number that I could figure on for replacements; and then I think you gentlemen had them up here on what was it, Thursday, was it not, wasn't that right; and then is when they commenced to cut it down.

Mr. FISHER. Then?

Mr. STRONG. I think they talked to Mr. Smith.

Mr. HOFFMAN. The committee has not had any meetings that I know of.

Mr. STRONG. They talked to Mr. Smith and you, I think, Mr. Hoffman, on Thursday, individually.

Mr. FISHER. The GSI had previously estimated that the total number of replacements might approximate four or five hundred.

Mr. STRONG. They said over a period of 2 or 3 weeks.

Mr. FISHER. All right; and they based that upon their agreement or proposal that in the new replacements the strikers would be given preference.

Mr. STRONG. Yes.

Mr. FISHER. And based it further on the assumption that certain present employees would quit.

Mr. STRONG. That is right.

Mr. FISHER. And certain other assumptions. Yesterday did they change those assumptions or change the total estimate of what would result from it?

Mr. STRONG. They said that they didn't think there would be the turn-over among the classified or higher seniority people.

Mr. FISHER. They do not have control over that.

Mr. STRONG. Oh, no.

Mr. FISHER. Really, then, yesterday they did not make any basic change in their prior proposal or agreement, did they?

Mr. STRONG. Yes; I think that was quite a basic change when they reduced the number.

Mr. FISHER. The number was based——

Mr. STRONG. It was an estimate.

Mr. FISHER. On certain changes based upon certain contingencies.

Mr. STRONG. The union in our discussions all of the time wanted to have two things; they wanted to have assurance that they would all be brought back, and that there would be a deadline, and I talked to the GSI people, Mr. Gross, and everything like that, and I just could not see that.

Mr. FISHER. GSI never at any time offered to guarantee there would be a certain number.

Mr. STRONG. Oh, no; no.

Mr. FISHER. It was all based upon these estimates.

Mr. STRONG. That was the thing that embarrassed me all of the time, was that I was dealing with a fluctuating picture there, and I was afraid what the proposal was, was that I stick my neck out, and sit in this picture for a period of time while this thing was worked out, as assurance to both GSI and the union that they be in good faith.

They both distrusted each other, and they have no confidence in each other. Well, in the picture it is pretty hard to work anything out unless they are going to have some confidence in some individual, and I kept telling, I hoped to get the confidence of GSI, and probably I was overoptimistic, I hoped to get the confidence of the union.

I had one or two breaks in that. I had one former union member, CIO member, from the Packard, who is working out at the Pentagon as a Government employee in civil service. He called me up and wanted to be sure that I was the same individual out in Detroit. He said, "Well, I have told some of the officials of this union that you will be fair, and that they can depend on what you say."

Mr. FISHER. One other question.

The GSI had proposed that in connection with some arrangement that you might work out, they could give the former employees preference in replacement.

Mr. STRONG. That is right.

Mr. FISHER. Yesterday they did not change that former statement, did they?

Mr. STRONG. No.

Mr. FISHER. GSI had suggested to you that in connection with that, without being in a position to guarantee any specific number, of course, that if the replacements should be accelerated because of some of these strikers coming back in, that the number might be increased.

Mr. STRONG. That is right.

Mr. FISHER. And they have not changed that part of it, have they?

Mr. STRONG. No, sir.

Mr. FISHER. Fundamentally, they have not changed their position at all, have they?

Mr. STRONG. No; but from the time——

Mr. FISHER. Except they changed the general estimate of the situation, and that is something that only the future could determine.

Mr. STRONG. From the standpoint of my negotiation with the union, of course, that was unfortunate that I ever got to that higher figure.

Mr. FISHER. Yes.

Mr. STRONG. Because that just last night, I met with the union until around 8 o'clock last night, from around, I think it was around 5:30 until then, and I thought I was making progress. I was making progress, and I don't say that you gentlemen stopped the thing cold, but I do feel that the timing of the conferences with the GSI and of the subpoenas just had a rather boomerang effect.

Mr. SMITH. The thing I am trying—

Mr. STRONG. You see in these things they are pretty tough. I expect you gentlemen have had a lot more experience than I have had in them. You have the press. They call you up. If you don't say anything, then you are liable to have a hostile press. If you do say anything, they are going to play up the thing that is news, or they think is news, and disregard the other things you told them. When I talked to that man this morning, I refused definitely to state, I think it was the Times-Herald man, I have forgotten which one, I refused to state, definitely, what you were doing here would stop this or have a bad effect on it. I told him I could not predict it, and I definitely stated that.

Mr. HOFFMAN. Regardless of what you say, we will follow what we think should be the right course, so do not let it worry you any.

Mr. STRONG. I know what you gentlemen's responsibilities are. I was secretary to a Member of Congress up here once. I have a very high opinion of the Members of Congress.

Mr. HOFFMAN. We are trying to make a record in connection with this strike.

Mr. FISHER. Let me make the observation that GSI from the beginning has always said that they would welcome any of these strikers coming back to work.

Mr. HOFFMAN. Yes.

Mr. SMITH. Well, are we dealing here or trying to settle a thing on matters of principle or a matter of numbers, the only thing that is involved.

Mr. STRONG. That is a factor. The union says that.

Mr. SMITH. If they say we will take back anybody that has been out on strike in here, it does not seem to me to make any difference whether it is 1 or 500, as a matter of principle, if they say we will take them back.

Mr. HOFFMAN. As vacancies occur.

Mr. FISHER. They have said that all of the time to us.

Mr. STRONG. I told General Fleming, I have told Gibson, I have told the union in protracted conferences over a period of hours, positive, that I thought that was the basis on which they could settle, and I have urged it.

I first started out conciliating, the—I got to the point of me aiding where I made recommendations and then I use what little persuasive powers I have with the union, which after all does not know me very well, to try and get them, and also the first meeting I had Mr. Gibson attended, and he went along with me on that at my request.

Mr. HOFFMAN. Neither yesterday nor down to the present moment has GSI gone back on its statement that it would take back the old members of the union as positions became available, has it?

Mr. STRONG. That is right. You see, may I add this——

Mr. HOFFMAN. Is that right?

Mr. STRONG. Yes, sir. May I volunteer something? The union thinks, the rank and file think that GSI was out to break the union. I don't think there is any doubt about it. This is a union about 10 years old, and they think this is their one protection, one source of security, and they feel that everything has been done, has been just simply done to destroy the union.

That is one of the problems we have had in here. They think that the idea is just to take back a few, and then have an election, and the A. F. of L. will win out, and they feel that their union is in jeopardy, and Mr. Cross' idea was that I should sit in here as an administrator, whatever that meant. I didn't understand that I had any real power, more or less of a guaranty to all concerned there would be good faith, and I have reluctantly, and I think probably mistakenly agreed to do it.

And then I was concerned lest I be in the position of misleading people, and then finding that I had lost what little influence I might have had and be really a liability rather than an assets in the situation.

Mr. HOFFMAN. Let us get back then from the time you first became connected with this, after you talk with Mr. Gibson; your desire was to, as you say, mediate and conciliate and settle this strike and get back as many of the old employees as you could.

Mr. STRONG. That is right.

Mr. HOFFMAN. On their old jobs.

Mr. STRONG. That is right.

Mr. HOFFMAN. That was your purpose.

Mr. STRONG. Yes.

Mr. HOFFMAN. You were not concerned as to whether the present employees were discharged or not to make way for the union members.

Mr. STRONG. I would not say that. I recognize that you had a pretty tough situation here. Management told me at first, Mr. Cross——

Mr. HOFFMAN. Let us skip the rest of it. What you were trying to do, all of the time, as you say, was to settle the strike and get some agreement between 471 and the GSI.

Mr. STRONG. Well, I was not even trying to get them to enter into any kind of agreement, a written agreement. I thought the first step was to get these people back and stop the strike, and get these Supreme Court and Department of Labor——

Mr. HOFFMAN. You keep talking about strikes. The cafeterias were operating, all except two.

Mr. STRONG. Yes.

Mr. HOFFMAN. But you wanted the GSI to deal with the officials of this union.

Mr. STRONG. No; I never asked them at any time to deal with them. I have never tried to get the two together.

Mr. HOFFMAN. You saw the officials of the union.

Mr. STRONG. I didn't try to get the two parties together.

Mr. HOFFMAN. You just tried to get these people back in jobs.

Mr. STRONG. I didn't try to get the union and the GSI to meet together.

Mr. HOFFMAN. Well, not to meet together, but to agree upon some procedure.

Mr. STRONG. With me. At this sort of mediator or something which would get them back to these people, back to work.

Mr. HOFFMAN. That is, you say you were trying to bring the union and GSI together on some basis.

Mr. STRONG. Yes.

Mr. HOFFMAN. All of the time you were of the opinion that GSI did not need to deal with this union because the parent organization officers had not signed the anti-Communist affidavits?

Mr. STRONG. No; I did not say that. Even under the Taft-Hartley Act there is a duty to bargain between the two, but you can't use the Board without these affidavits having been filed.

Mr. HOFFMAN. So you at no time suggested that the officials of the parent organization sign the affidavits.

Mr. STRONG. Oh, yes; I did the very first meeting I had with the union.

Mr. HOFFMAN. They would not do it.

Mr. STRONG. They said no. I knew that a local can't control what an international does.

Mr. HOFFMAN. You also knew one of the purposes of the Taft-Hartley Act was to freeze the Communists out of the union; didn't you?

Mr. STRONG. Well, I knew that one of the objectives was to get rid of the Communist influence in the union. I think that is one approach. I don't think that is the only one.

Mr. HOFFMAN. And yet here you were endeavoring to get these parties together, even though the officials of the parent organization refused to sign the anti-Communist affidavits.

Mr. STRONG. Will you let me explain that?

Mr. HOFFMAN. That is what you were doing, and then you answer that first, and then you can explain all you want to.

Mr. STRONG. I don't want to agree to that, to the inference that you are putting in it.

Mr. HOFFMAN. It is not an inference. Let us see if it is an inference. You said you knew that the law required the parent organization officers to sign before the employer could be forced to bargain.

Mr. STRONG. That is right.

Mr. HOFFMAN. That is right?

Mr. STRONG. That is right.

Mr. HOFFMAN. And you knew that these officers had not signed.

Mr. STRONG. I knew that the international officers had not signed.

Mr. HOFFMAN. That is what I mean. And yet you were trying to get these officers of the local, or the local, or the employees of the local, and GSI, to bargain collectively, were you not, through you?

Mr. STRONG. No. Yes, I think I was trying to get them to bargain collectively.

Mr. HOFFMAN. And you were acting——

Mr. STRONG. Let me go further——

Mr. HOFFMAN. And you were acting as conciliator.

Mr. STRONG. Conciliator, mediator, negotiator.

Mr. HOFFMAN. And yet you said that from those facts it is not logical to draw the inference that you were trying to bypass the Taft-Hartley Act.

Mr. STRONG. I agree that was not logical to say that I was trying to bypass the act. Let me say this, Mr. Congressman, I was fighting this Communist problem during the war.

Mr. HOFFMAN. I do not care—now, wait a minute—I do not care anything about what was going on during the war. Let us stick to this issue. You have a dozen men here waiting, and you want to go off on something that has not a thing to do with the case.

Mr. STRONG. My experience is that in the early stages of the war, the Communists did not hold office, but they nevertheless had power, and I told the GSI board later——

Mr. HOFFMAN. Now, you see where you are getting yourself? You are getting yourself into a position where you are arguing that Congress was unwise or accomplished nothing when it put in that provision requiring these affidavits.

Mr. STRONG. I do not say that, sir.

Mr. HOFFMAN. That is about what it amounts to.

Mr. STRONG. No, I do not. I say that you have not driven the Communist influence out of unions when merely the officers are not Communists.

Mr. HOFFMAN. Yes; all right.

Then I want Mr. Ayers and Mr. Niehuss and Mr. Cross to come in here. I want to ask them about this as soon as Mr. Smith gets through.

Mr. SMITH. One of the important things about matters of this kind from a lawyer's viewpoint, who did you look to for payments for these services?

Mr. STRONG. I have not had any understanding with anybody. I assume if anybody pays me it will be GSI, but I have not had——

Mr. SMITH. You never have had a conversation with anybody as to who is going to pay you?

Mr. STRONG. Oh, yes; Mr. Grant raised that question, early in the matter. I said, well, "I haven't had any understanding of any kind."

Mr. SMITH. He said——

Mr. STRONG. He asked me who was going to pay me.

Mr. SMITH. And your idea is now that when this is all over you will look for payment to the GSI?

Mr. STRONG. If anybody is going to pay me.

Mr. SMITH. Mr. Gibson?

Mr. STRONG. No, I could not be paid by the Department of Labor; I am practicing law before the Government. I cannot be paid by the Government.

Mr. SMITH. When you talked to any of the union people, did you talk to them anything about what happened to the union out there; why they had a man resign; why Bancroft resigned?

Mr. STRONG. I brought up the subject of Bancroft. All they told me was that he resigned.

Mr. SMITH. Did they tell you that the rest of the officers were not Communists?

Mr. STRONG. I was told that the other officers had signed these affidavits, and not Communists.

Mr. SMITH. That is all.

Mr. HOFFMAN. You were all sworn before, were you not?

Mr. CROSS. Yes.

Mr. AYERS. Yes.

Mr. NIEHUSS. Yes.

Mr. HOFFMAN. Gentlemen, and if I misstate this, my colleagues here correct me, because memory is a poor thing. If I understood the testimony of Mr. Strong correctly, he stated that up until yesterday there were prospects of a settlement and that you had made certain statements as to your policy. In substance he said that you had taken the position that there was a turn-over of, say, 20 a month of your employees.

TESTIMONY OF JOHN W. CROSS, ATTORNEY FOR GOVERNMENT SERVICES, INC., R. R. AYERS, GENERAL MANAGER, AND J. C. NIEHUSS, PERSONNEL MANAGER, GOVERNMENT SERVICES, INC., WASHINGTON, D. C.

Mr. CROSS. Twenty a day.

Mr. HOFFMAN. I mean a day; that is right. That is the way of it. Twenty a day.

He said that you had given as your estimate of jobs available to former members of the union who wanted to return because of the replacements approximately 500, and that you would take those people back as the jobs became available, but that yesterday, after the committee subpoenas began to be served—he did not use the term but I used the term—you reneged, that is to say, you backed up from that proposition and your attitude became altogether different.

Mr. CROSS, you are the lawyer. You were there. You three, he said. What do you say about that?

Mr. FISHER. I think by way of possible clarification of that, that he said the estimate of the total number was changed, rather.

Mr. HOFFMAN. The estimate of the total number; that is right. That you would no longer stand by your estimate of 500 and that he expressed the opinion that was due to the fact that we had served some subpoenas.

Mr. CROSS. Well, if that question is addressed to me——

Mr. STRONG. Could I say something. What I said was that they said that over a period of weeks, while they did not want to be bound, it was an estimate that they thought they could come up to, around 500. We tried to figure it out in different lines, and I told you some of the figures. I didn't have them all. That then that Mr. Ayers day before yesterday said something about there was some problem of classification, and yesterday he went into detail, and he said that the turn-over that he had talked about, I think it ran from 25 to 30 a day, as a conservative estimate, that that would be in the general worker, rather than in these higher-paid classified jobs, I think, with the exception of cooks.

And of course that meant that I was then in the position of having to tell the union that the picture had changed.

Mr. HOFFMAN. Yes; and your statement was—and this is the nub of the thing, that I am getting at—that you changed your attitude, and went back on your proposition because the committee began to serve subpoenas.

Mr. AYERS. I will answer that, and say "No: definitely no."

Mr. CROSS. Let me elaborate on that "no." Certainly I do not want to change the "no," but I want to elaborate on it.

Mr. HOFFMAN. In other words, whether there is any purpose or not, it smells to me like a proposition of getting the press after the committee, as so often happens and has happened to me, personally, before; as an example, at New Buffalo or at Michigan City, Ind., where I had this same thing with somewhat similar situation.

Mr. CROSS. This is the first time that it ever even occurred to me that there was any connection between the subpoenas and the discussion yesterday afternoon along that line. This morning was the first time that it had ever been even suggested to me or had occurred to me that there was any position of reneging taken yesterday afternoon.

These propositions have been discussed—I am not sure that I can be too definite about it—over a period of the last several days. We were careful to discuss them as estimates, as we wanted to maintain the position that we would not discharge, but we would replace.

Now, throughout all of our conversations, we had tried to say that these were estimated figures and that we could not guarantee these figures, that this is what experience had reflected. The only figures which we attempted to guarantee, as I recall, was the fact that there were certain numbers of employees which could be used in the three closed units of Labor, Supreme Court, and Langston. That number has been about definite.

Mr. HOFFMAN. Approximately how many?

Mr. AYERS. About a hundred, I think is what we said.

Mr. CROSS. We also at a suggestion several days ago from Mr. Strong, we have limited hiring or replacements for our present operations. As I understand it, we are taking on only people where there is an absolute necessity. Is that not correct, Mr. Niehuss?

Mr. NIEHUSS. That is correct.

Mr. CROSS. Because of that we had built up a number of people, and that was in an attempt to cooperate with this program of Mr. Strong's.

That was in an attempt to be in a position to assist as many of these people on strike as possible, or if a settlement occurred. I think we have estimated that that number is about 50, have we not?

Mr. AYERS. I think we said 75.

Mr. CROSS. Seventy-five, perhaps.

Now, then, we have stated that our experience says that the turnover has been, as I recall the figures it was 20 to 25 a day, somewhere in there, a figure certainly could not be a difference in anybody's mind of a range of more than 10, that is, actually the first time I have heard the figure 30 was just now, I believe, from Mr. Strong. But I have heard both the figures 20 and 25, I think.

So that we had felt that over a relatively short period of time, starting with perhaps 175 to 200, we would be able to take on somewhere in the neighborhood of 500 people.

Yesterday was not the first time that Mr. Ayers mentioned this problem about classifications. I think I am correct that that was mentioned before.

Mr. STRONG. The day before.

Mr. CROSS. Yes, and as I understand Mr. Ayers' attitude, and I think most of that conversation came from Mr. Ayers, Mr. Ayers wants to be in this position, that if there is to be any argument about our policy or about numbers or about the position we take, let us have it now, before an understanding is reached, rather than be accused of bad faith after an understanding is reached.

So it stands out fairly clearly in my mind that the purpose of our conversation on that point was to supply to Mr. Strong more detail than we had supplied to him before, but there was no disposition on any of our parts, I can assure you, to change position on what we had said.

I personally never thought of subpoenas in that connection. As I understood it when Mr. Strong left our office without having mentioned that we were changing position, definitely convinced that he had the proposition that he had been searching for. We started in with his agreement or with his acknowledgment. We started to call the trustees.

Mr. HOFFMAN. To go through with the deal?

Mr. CROSS. That is right. We were calling them.

Mr. HOFFMAN. All you had given him yesterday, as I understand from your statement, was more in detail so that he would have something definite upon which he could rely.

Mr. CROSS. We did not even give him that as too definite on which he could rely.

Mr. HOFFMAN. As near as you could.

Mr. CROSS. We gave him as much explanation in order to save future controversy; that was my feeling of the purpose of that discussion.

Mr. AYERS. That was my purpose, to lay everything on the table.

Mr. HOFFMAN. Let us go back to the statement you just made now. That is all right. When he left yesterday was it your conclusion, all three of you gentlemen, that he had something that he was going to offer the union?

Mr. CROSS. That is correct.

Mr. AYERS. That is correct.

Mr. HOFFMAN. It was acceptable to you. I mean if the union accepted the plan or whatever you call it, I do not suppose you can call it a proposition, but if the union—

Mr. CROSS. Plan is a very good word, I think.

Mr. HOFFMAN. That you had advanced that afternoon, that that would be a conciliation or the end of it?

Mr. CROSS. Yes. There was quite a little discussion as to how much authority we had from the corporation.

Mr. HOFFMAN. But then you started to call your directors to get approval of the negotiations, or whatever you want to call it, up to that time.

Mr. CROSS. That is right.

Mr. AYERS. That is correct.

Mr. HOFFMAN. So say you all?

Mr. NIEHUSS. Yes.

Mr. HOFFMAN. He went away with that.

Mr. CROSS. That is correct, sir.

Mr. HOFFMAN. Now, then, Mr. Strong, what happened then after you got back to the union? They would not take it, would they?

Mr. STRONG. The union wanted to know how long this was going on, and I told them that I could not tell them, that I did not think that they would have to—that they would have to accept on faith.

Mr. HOFFMAN. Said what?

Mr. STRONG. They would have to accept on faith my assurance that the GSI was going to carry out this as they had told me they would. That I realized probably no reason why they should trust me, but it was just one of those situations where that is what they would have to do.

Mr. HOFFMAN. Did you approve, then, of the plan to which these gentlemen had agreed?

Mr. STRONG. That is right. I went back with the idea of trying to sell it to the union, knowing that this change in classification had weakened my position. I still felt that in good faith I should go ahead and try it.

Mr. HOFFMAN. Then your former statement that the service of these subpoenas had caused these gentlemen to back up on their proposition did not have one word of truth in it, did it?

Mr. STRONG. I would not say that. That is my opinion. I still think it did have something to do with it.

I don't—not necessarily to serve subpoenas, but the conferences of the day before, the fact that this committee was in the thing, I think that is a factor in this thing. It has been there all of the time.

Mr. HOFFMAN. If it interfered with your plans of getting these gentlemen to deal with the union whose officers are Communists, I say I am heartily in favor of it—

Mr. STRONG. Well—

Mr. HOFFMAN. Because that was one of the purposes of the Congress in writing the law.

But do you not see now you have testified here that these gentlemen made a proposition; apparently they sold you on it, because you went back and tried to sell it to the union.

Mr. STRONG. That is the fourth time I tried to sell it to the union.

Mr. HOFFMAN. What?

Mr. STRONG. That is the fourth time I tried to sell them. I made progress each time until this time.

Mr. HOFFMAN. You must have been sold on it yourself or you would not try to sell it to the union.

Mr. STRONG. That is right.

Mr. HOFFMAN. The GSI had not reneged at all, had they?

Mr. STRONG. I felt that this new complication in here—

Mr. HOFFMAN. That is all we needed you for on that. We just wanted to settle that one thing definitely, so that there would not be any future misunderstandings about that.

We would like to call your directors, and if we could get through with them finally, I think it would be very short.

Mr. CROSS. I think they would appreciate that.

Mr. HOFFMAN. It is a question, Mr. Strong, then, what do you say, can we let Mr. Strong step aside? There are nine of them out there.

Mr. STRONG. I will be very glad to do that.

Mr. HOFFMAN. If we can get rid of them in the next few minutes, all right.

Mr. Davitt, do you solemnly swear that the testimony you shall give shall be the truth, the whole truth, and nothing but the truth?

Mr. DAVITT. I do.

Mr. HOFFMAN. What is your first name?

**TESTIMONY OF J. S. DAVITT, ADMINISTRATIVE OFFICER, NAVY
DEPARTMENT, WASHINGTON, D. C.**

Mr. DAVITT. Joseph—J. S. Davitt. It should be "J. S." It was "G. S." on the summons.

Mr. HOFFMAN. You are administrative assistant in the Navy Department?

Mr. DAVITT. Administrative officer of the Navy Department, 422 Allison Street NW.

Mr. HOFFMAN. And one of the directors of GSI?

Mr. DAVITT. Yes, sir; one of the trustees.

Mr. HOFFMAN. Trustees; is that what you call them?

Mr. DAVITT. Yes, sir.

Mr. HOFFMAN. Do you trustees receive some compensation?

Mr. DAVITT. We do not, in no way whatsoever.

Mr. HOFFMAN. You get no financial returns from the operation of GSI at all?

Mr. DAVITT. None; in no manner.

Mr. HOFFMAN. A worry and a labor of love.

Mr. DAVITT. Well, it is an extracurricular activity that is felt by, I believe, the majority of the trustees that are called upon to do it, that belongs with one of the fairly high administrative jobs in Government. Someone has to do it, so we do it.

Mr. HOFFMAN. You knew about the strike?

Mr. DAVITT. I have been very close to it, sir.

Mr. HOFFMAN. Has anyone in official position with the Government suggested to you that you take any action to settle this controversy?

Mr. DAVITT. You mean through GSI or from the Department or from other parts of the Government?

Mr. HOFFMAN. Here is the point. We have learned from the press, for example, that the President ordered General Fleming to close some of these cafeterias. That was denied. I mean the fact or the charge that the order had been issued was denied.

Then we heard and read that pressure was being brought upon the trustees to settle this strike and to recognize the union. That is what I am getting at, if you understand.

Mr. DAVITT. Let me explain this this way, Mr. Chairman. It may have been pressure, and it may not have been, but word reached us through a spokesman from the Federal Works Administration that a special meeting of the board of trustees, held on February 11, that it was the request and the desire of the White House, I believe, if I recall properly, that they mentioned the word "President," and that they should begin negotiations with the union.

Mr. HOFFMAN. Will you read that to me?

(Answer read by reporter.)

Mr. HOFFMAN. What is the Federal Works Agency?

Mr. DAVITT. The Federal Works Agency is General Fleming's outfit, Mr. Chairman, that handles the contract with GSI for the Government. In other words, they are the contracting agency with GSI for the operation of the cafeterias, snack bars, and other concessions in the Government buildings in town.

Mr. HOFFMAN. Who conveyed this word to you?

Mr. DAVITT. Mr. Reynolds, one of our trustees, who stated that it came from General Fleming.

Mr. HOFFMAN. Came from whom?

Mr. DAVITT. General Fleming, the Administrator of the Federal Works Agency.

Mr. HOFFMAN. Can you give us anything more, what action you gentlemen took?

Mr. DAVITT. Briefly, we authorized General Grant to discuss with General Fleming, and with the suggested negotiator at that time, who happened to be Admiral Mills. As it later turned out, Admiral Mills for one or another reason was unable to serve, and eventually Mr. Strong was chosen.

Mr. HOFFMAN. When was this meeting when you authorized General Grant to do this? What was the date of it?

Mr. DAVITT. I believe it was February 11. I would have to check the calendar.

Mr. HOFFMAN. That is the date you gave before. I wanted to be sure.

Mr. DAVITT. It was on a Wednesday, and if I saw a calendar, I could verify it, but I am fairly certain that it was February 11.

We authorized General Grant at that time to discuss with General Fleming and the negotiator the basis or what basis may be proposed for negotiation.

To my knowledge at that time there was no question of anything but negotiation.

Mr. HOFFMAN. Talk.

Mr. DAVITT. That is right, talk. Yes, sir, because the special meeting was the day preceding our regular monthly meeting, which was the second Thursday in February, so I am certain it was February 11.

Mr. HOFFMAN. Well, was there any other discussion or talk by anyone along the same line that you should negotiate?

Mr. DAVITT. By the word "negotiate," I would say "No," that no one was authorized at that time to recede from any position which we had taken up to then, Mr. Chairman.

Mr. HOFFMAN. What was your position up to then, as you understood it?

Mr. DAVITT. Up to then we had two basic requirements, Mr. Chairman. One was that the local union qualify under the Taft-Hartley Act for dealings with the National Labor Relations Board. And at that time, at the time of this meeting, since we had hired all of the new people on a permanent basis, another requirement was that under no conditions would the Board—

Now, I say "the Board"; at least it is my personal position, and I am almost sure that the Board did approve the position—

Mr. HOFFMAN. We will have them all in; so if you speak for yourself, it is all right.

Mr. DAVITT. Yes, sir.

That under no conditions would we discharge all of our new employees in order to bring on the strikers.

Mr. HOFFMAN. Is that still your position?

Mr. DAVITT. That is still my position.

Mr. HOFFMAN. Do you favor settling the matter under the provisions of the Taft-Hartley Act rather than outside of it?

Mr. DAVITT. Oh, by all means, sir.

Mr. HOFFMAN. You understood that it was one of the purposes of the Congress to freeze or squeeze the Communists out of labor unions?

Mr. DAVITT. I most assuredly do. And if I may state my position even more clearly, I am very strongly in favor of eliminating communistic influences, certainly in any union with which GSI, or anything that I have anything to do with, has any contacts.

Mr. HOFFMAN. Are you in a position where the displeasure of the White House, and by the White House I mean any of those who are in a position to advise or counsel there, can do you any harm if you oppose their policy?

Mr. DAVITT. I am in a position, of course, being fairly close to the Secretariat of the Navy, where something like that could happen. I have reason to believe that it won't happen; because the Secretary called me in the day of the special meeting, and, although I had kept him informed of the progress of the strike, because of his interest in it, he discussed it quite thoroughly with me at that time.

Mr. HOFFMAN. And by "the Secretary," you mean whom?

Mr. DAVITT. Mr. Sullivan, Secretary of the Navy. He discussed it with me at that time. At the end of the discussion, which was in the afternoon preceding the meeting which was held at 4 o'clock, he made it plain to me that I was operating under no instructions.

Mr. HOFFMAN. What do you mean by that? From him or anyone else?

Mr. DAVITT. Under no instructions from him or from anyone else; in other words, that I was free to follow the dictates of my conscience and my judgment in any of the meetings of the board of trustees. That still remains his position.

Mr. HOFFMAN. You told him at that time, did you, that you had had this message from Mr. Reynolds?

Mr. DAVITT. No, sir; that was before the meeting, Mr. Chairman.

Mr. HOFFMAN. Had he ever modified those instructions?

Mr. DAVITT. He has not modified those instructions in any way whatsoever.

Mr. HOFFMAN. Did you notify him of the substance of Mr. Reynolds' statement purporting to come from the White House?

Mr. DAVITT. I did.

Mr. HOFFMAN. And where was it supposed to come from?

Mr. DAVITT. I did. And he did not modify his instructions at that time, nor since. And I have spoken to him several times relative to the progress of the strike and negotiations.

Mr. HOFFMAN. Then am I correct in the assumption that so far as the Secretary of the Navy is concerned, you are at liberty to use your own best judgment in voting as a trustee of GSI?

Mr. DAVITT. Yes, sir.

Mr. HOFFMAN. Is there anything you desire to say, further?

Mr. DAVITT. I think I made my position clear, Mr. Chairman, as to how I feel about this entire thing.

I would like to add this: We have been accused of a great many things, including racial discrimination. I think a lot of the accusations are false, deliberately so. I do not know that I or any of the

members of the board, individually or collectively, have ever held anything against the employees. I think that by and large they are misled, misinformed, and follow very bad leadership. And I think that the great majority of them are good employees.

Mr. HOFFMAN. I think the record bears you out in that statement. And, of course, there is no question of racial discrimination, because the old and the new employees belong to the same race. There has been an effort to inject that here, but there is nothing to it.

Mr. DAVITT. I might add this further thing: That we have known for a long while that this union—and very clearly so, in my mind, follows the old party line of confusion and work slowdowns and trouble, and all that sort of thing; and that, on the other hand, our new employees, in spite of the fact that a great majority of them have not had too much work along this line, and a lot of them none, are producing more, more cheerfully, and better than our old employees.

In other words, we are doing the same work better with fewer employees already, after the short period of time that we have had them on the job; which just furthers our thought that we were not able to get production from the old group. I say that for whatever it may be worth, but it certainly has been proved to us.

Mr. HOFFMAN. You would add to that the statement, I gather from your previous testimony, that that attitude on the part of the old employees is due not so much to their own thinking, as to bad leadership.

Mr. DAVITT. I would think so; yes, sir.

Mr. HOFFMAN. That is all. Thank you very, very much.

You have been in the service for the Navy, have you?

Mr. DAVITT. Yes. I began with the Navy 24 years ago this month, sir.

Mr. HOFFMAN. In what capacity?

Mr. DAVITT. As an apprentice seaman. I later transferred over to the civil service after 6 years of active duty. I am still with them, and I hope to be there for some time to come.

Mr. HOFFMAN. I think that is all. We are very appreciative of your testimony.

Mr. SMITH. Was the admiral there at this first meeting you had?

Mr. DAVITT. No, sir. The admiral never entered into any negotiations. He was disqualified, for, I am sure, extraneous reasons. For instance, I know we were all working on budgets down there, and he was scheduled to appear before the Appropriations Committee a very short time after that. That may have been the reason, but I don't know for certain.

Mr. SMITH. I just wondered if he was present.

Mr. DAVITT. No, sir.

Thank you, Mr. Chairman.

Mr. HOFFMAN. There you have it. We can write the law, but when it gets downtown we cannot do much about it.

Mr. Demaray, do you solemnly swear that the testimony that you shall give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DEMARAY. I do.

Mr. HOFFMAN. We will try to make it as short as we can for you.

Will you state your name?

TESTIMONY OF ARTHUR E. DEMARAY, ASSOCIATE DIRECTOR,
NATIONAL PARK SERVICE, WASHINGTON, D. C.

Mr. DEMARAY. Arthur E. Demaray.

Mr. HOFFMAN. And you are with the Interior Department?

Mr. DEMARAY. I am Associate Director of the National Park Service.

Mr. HOFFMAN. And trustee of GSI?

Mr. DEMARAY. Yes, sir.

Mr. HOFFMAN. And did you attend the meeting on the 11th of February, Wednesday?

Mr. DEMARAY. Yes, sir.

Mr. HOFFMAN. Will you give us, in your own language, what if any word or advice or suggestions were received in connection with the settlement of the dispute between GSI and 471, or the closing of any of the cafeterias.

Mr. DEMARAY. Yes, sir.

I was attending a meeting of the District of Columbia Zoning Commission, on which I represent the National Park Service; and about 3 o'clock I was handed a note saying that I was to call my office, that it was urgent.

I left the meeting and telephoned my office and learned that there was a call for a special meeting of the full board of trustees at 4 o'clock, and that Secretary Krug wished to talk to me. So I had the operator switch me to the Secretary.

The Secretary asked whether I had been notified of the meeting, the special meeting, of the board. I told him that I had just received the information. He said, as nearly as I can recall it, that Mr. Reynolds was to present a special message from General Fleming, which involved the appointment of Admiral Mills, Chief of Yards and Docks, as a special arbitrator, in an effort to settle the strike. The Secretary indicated, said, to me that he knew Admiral Mills; that he was a very fine gentleman, and had had success in labor matters.

Mr. HOFFMAN. You say "Secretary." Whom do you mean by that?

Mr. DEMARAY. Secretary Krug. My conversation was with him. I think that was the extent of it: that he wanted me to know that he thought Admiral Mills was a fine man, and had a good record in connection with labor disputes.

Mr. HOFFMAN. Well, at this meeting what further was said?

Mr. DEMARAY. At the meeting of the special board of trustees? Mr. Reynolds came and presented this request from General Fleming that the board of trustees agree to accept Admiral Mills as an arbitrator to try to settle the strike. There was considerable discussion. I finally offered a resolution, which was adopted, which was to the effect that the president of the board of trustees would be authorized to meet with General Fleming and Admiral Earle Mills to discuss the basis on which the services of Admiral Mills might be used in the settlement of the strike.

I believe General Grant has the exact wording of the resolution. And that resolution was adopted and we left the meeting.

Mr. HOFFMAN. What was it Mr. Reynolds said?

Mr. DEMARAY. Mr. Reynolds merely said that he had been asked by General Fleming to appear before the board of trustees and request that we accept the services of Admiral Mills to arbitrate the settlement of the strike.

Mr. HOFFMAN. What, if any, statement was made by Mr. Reynolds about where the message came from and who wanted Admiral Mills?

Mr. DEMARAY. I believe that he said that General Fleming had been at a meeting at the White House.

Mr. HOFFMAN. Did he say when General Fleming was at the meeting at the White House?

Mr. DEMARAY. I am not sure whether it was that day, or the day previous, or when. I gained the impression it was that day.

Mr. HOFFMAN. Because the day previous, the 10th, General Fleming told us that he did not know anything about any order.

Mr. DEMARAY. I think the information was that he had been there that day.

Mr. HOFFMAN. Well, did you get the understanding from what was said there that the White House wanted this thing settled?

Mr. DEMARAY. I gained the impression that it was desirable to try and settle the strike.

Mr. HOFFMAN. Anything about the closing of the cafeterias?

Mr. DEMARAY. No, sir.

Mr. SMITH. When this strike first started, what did Secretary Krug say to you about closing the cafeteria in the Interior Building?

Mr. DEMARAY. The Secretary never discussed it with me, sir.

Mr. SMITH. He never discussed it with you?

Mr. DEMARAY. No, sir.

Mr. SMITH. And did any of his assistants or any other party in the Interior Department discuss the advisability of closing the cafeteria in the Interior Building?

Mr. DEMARAY. The only conversation I have had with any of the assistants was with Under Secretary Chapman, who asked about closing the cafeteria. And I said that was a matter that the Department should take up with the Public Buildings Administration. He thanked me, and we hung up the telephone.

Mr. SMITH. But Chapman is the one who called you about it?

Mr. DEMARAY. Yes, sir; he called me about it.

No; Secretary Krug has never had any other discussion of the strike situation with me, except on the afternoon of February 11.

Mr. HOFFMAN. Mr. Fisher?

Mr. FISHER. No questions.

Mr. HOFFMAN. That is all, and thank you very much.

Mr. DEMARAY. Thank you, sir.

Mr. HOFFMAN. Mr. Reynolds, do you solemnly swear that the testimony which you shall give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. REYNOLDS. I do.

Mr. HOFFMAN. You are with the Federal Works Agency?

TESTIMONY OF W. E. REYNOLDS, COMMISSIONER OF PUBLIC BUILDINGS, FEDERAL WORKS AGENCY, WASHINGTON, D. C.

Mr. REYNOLDS. Yes, sir; I am Commissioner of Public Buildings.

Mr. HOFFMAN. And you have charge of the public buildings, do you?

Mr. REYNOLDS. I do; yes, sir.

Mr. HOFFMAN. Will you tell us by what authority you closed, if you did close, the cafeterias in the Interior Department or the Supreme Court Building; or by what authority you asked that they be closed?

Mr. REYNOLDS. We have nothing to do with the Supreme Court Building. That comes under the Architect of the Capitol. The Labor Department cafeteria was closed at the request of the Secretary of Labor.

Mr. HOFFMAN. You mean that Mr. Schwellenbach requested that you close it?

Mr. REYNOLDS. Yes, sir.

Mr. HOFFMAN. And was that in writing, or verbally?

Mr. REYNOLDS. I don't know, because the request came to General Fleming, who is here and can testify on that particular point.

Mr. HOFFMAN. And he passed it on to you?

Mr. REYNOLDS. That is right.

Mr. HOFFMAN. Were you present at that meeting of the trustees on the 11th of February, Wednesday, the meeting of the trustees of GSI?

Mr. REYNOLDS. No; I don't recall that I was. Now, I have attended practically no meetings of the trustees of GSI since this controversy started, because, as Commissioner of Public Buildings, I am on one end of the contract, and I am also a trustee. So I have been trying to be absolutely neutral in this, and have not voted at any of their meetings when they were held. I have attended subcommittee meetings.

Mr. HOFFMAN. You were one of the trustees?

Mr. REYNOLDS. I was one of the trustees; yes, sir.

Mr. HOFFMAN. Now, were you not present on the 11th of February, Wednesday, when there was some discussion about Admiral Mills being appointed?

Mr. REYNOLDS. Oh, yes; I was at that meeting.

Mr. HOFFMAN. That is what I was talking about. What word did you take to that meeting?

Mr. REYNOLDS. The word I took to the meeting was this: That General Fleming called me and asked that I convey to General Grant and the trustees a request that Admiral Mills be named as a negotiator to see if they could work out some solution to this problem. I called General Grant and asked him if he could call a meeting of the trustees, because I had that message to give him. So I gave them the message and took no part in it—

Mr. HOFFMAN. What, in substance, did you tell them?

Mr. REYNOLDS. That I had been requested by General Fleming to say to them that they were requested to give consideration to an appointment of Admiral Mills as a negotiator in this problem to see if something could be worked out.

Mr. HOFFMAN. To do what?

Mr. REYNOLDS. What Admiral Mills was to do?

Mr. HOFFMAN. Yes.

Mr. REYNOLDS. Well, I didn't know whether he could find a solution or anything of that sort. I was simply transmitting a message, Mr. Chairman. That was all.

Mr. HOFFMAN. And the message was to the effect that someone wanted the GSI and 471, which is the number of the local, to get together.

Mr. REYNOLDS. They wanted them to get together through the medium of Admiral Mills. That is right.

Mr. HOFFMAN. Was there any suggestion anywhere along the line that they use the Taft-Hartley Act and the conciliation provided by that act?

Mr. REYNOLDS. No; no suggestion to me.

Mr. HOFFMAN. You never heard anything in any of these discussions about that phase of it?

Mr. REYNOLDS. The only discussion among the trustees, in which, as again I say, I took no part, was that they took the position that inasmuch as this union had not been willing to sign anticommunistic affidavits, financial statements, and so forth—that that was a prerequisite to negotiation.

Mr. HOFFMAN. Well, you say you were neutral. Why?

Mr. REYNOLDS. I was neutral simply because I am required to enforce a contract, as Commissioner of Public Buildings, with Government Services, Inc.; which position I took as an official of the Federal Government. My position was that this was a discussion between a contractor of the Federal Government, contracting with us, and the union; that we were landlords in this case, and it was their problem and not my problem to solve until there was a violation of the contract.

Mr. HOFFMAN. And so far, there has been none.

Mr. REYNOLDS. There has been none, as far as I can understand.

Mr. HOFFMAN. And it is also a part of your duty to abide by the contract?

Mr. REYNOLDS. That is right.

Mr. HOFFMAN. And it contains a clause that you cannot close the cafeterias without a 6 months' notice.

Mr. REYNOLDS. We can close a cafeteria, but we can't cancel the contract.

Mr. HOFFMAN. The contract is for the operation of the cafeteria, is it not?

Mr. REYNOLDS. It is for the operation of such cafeterias as we ask them to operate. Now, we ask them to operate cafeterias which very often operate at a loss.

Mr. HOFFMAN. But do you contend here now that you have legal authority to close a cafeteria that way, where you have a contract with GSI, without giving 6 months' notice?

Mr. REYNOLDS. I don't think you could close them all; no.

Mr. HOFFMAN. All? Any of them. By what authority can you close any single cafeteria where GSI has a contract with the Government which contains that 6 months' clause?

Mr. REYNOLDS. Well, it may be from a technical angle, Mr. Chairman—

Mr. HOFFMAN. Not a technical angle; a legal angle.

Mr. REYNOLDS. Well, from a legal angle—and I never thought of this before, really, Government Services may have had the right to say, "No; we are going to keep on operating." But our relationships have been so cordial over the years that they have operated where we have—

Mr. HOFFMAN. That is to say, they have done just what you asked them to up to this time.

Mr. REYNOLDS. Oh, yes.

Mr. HOFFMAN. Now, what moral right do you think you have to close a cafeteria in any one of these buildings where you have this contract, and throw those employees out of work?

Mr. REYNOLDS. Well, I haven't thought of it in that way. You try to accede to a Cabinet officer's wishes, if you can, reasonably.

Mr. HOFFMAN. Just drifting back to, as I think Roosevelt called it, the law of the fang and the claw, or something like that? That is what it amounts to, is it not?

Mr. REYNOLDS. Well, I don't think it is quite that severe, Mr. Chairman.

Mr. HOFFMAN. Well, maybe not; just might; just the power.

Mr. REYNOLDS. Well, of course, anyone in government has a great deal of power.

Mr. HOFFMAN. Which is often used arbitrarily, is it not?

Mr. REYNOLDS. There is no question about it.

Mr. HOFFMAN. And in this case it was, was it not?

Mr. REYNOLDS. Well, I would say it might be an arbitrary action.

Mr. HOFFMAN. Might be? Or was? Let us get together.

Mr. REYNOLDS. If there was any question about it, Government Services didn't object.

Mr. HOFFMAN. You had no complaint about the way GSI had operated the cafeterias, had you?

Mr. REYNOLDS. No.

Mr. HOFFMAN. And they had previously gone along with practically every wish you expressed?

Mr. REYNOLDS. Yes.

Mr. HOFFMAN. Yet when they have this dispute with the union, whose officers refused to sign the anti-Communist affidavit, you arbitrarily and without legal or moral justification, closed the cafeteria, did you not?

Mr. REYNOLDS. Let me put it this way—

Mr. HOFFMAN. That is a pretty broad indictment, but I guess it is true, is it not?

Mr. REYNOLDS. We closed it. There is no question about that.

Mr. HOFFMAN. And you cannot name a single legal or moral justification, can you?

Mr. REYNOLDS. Well, the way that General Fleming and I looked at it, when that request came over—

Mr. HOFFMAN. You got orders from on high?

Mr. REYNOLDS. No; it was from Schwellenbach. He is Secretary of Labor. It may be embarrassing to him to have pickets in front of a Labor Department building. We didn't know.

Mr. SMITH. Maybe he said it was.

Mr. HOFFMAN. He said that is why he closed it: because he did not want pickets in front of the building. And then Mr. Sands called his attention to the fact that the AFL could picket if they wanted to because they would not let their fellows in.

You have not named any legal or moral reason. I may assume, may I, that you cannot find any legal or moral reason which would justify the closing of that cafeteria?

Mr. REYNOLDS. Well—

Mr. HOFFMAN. If you want to put it on the ground of a favor to the Secretary of Labor, I can understand that.

Mr. REYNOLDS. Well, I would put it in that classification.

Mr. HOFFMAN. You would what?

Mr. REYNOLDS. I would put it in that classification—as a request from a Cabinet officer to do this, inasmuch as he was Secretary of Labor.

Now, we closed no other cafeterias.

Mr. SMITH. Did you have a request from Mr. Chapman of the Interior Department to close his?

Mr. REYNOLDS. We had a request from the Interior Department to close, and we took the view that it should not be closed.

Mr. HOFFMAN. Discrimination.

Mr. SMITH. The Secretary of the Interior is a Cabinet officer, and Mr. Hoffman suggests that it looks like discrimination here.

Mr. REYNOLDS. Well, one is Secretary of Labor, and I guess it is a labor problem. I don't know.

Mr. HOFFMAN. Now, Mr. Reynolds, we understand that you conveyed to these trustees, and I might say that we get that from previous testimony, that the White House wanted Admiral Mills appointed.

Mr. REYNOLDS. My understanding is that General Fleming—and I would ask you to call him, because he is waiting here to be called, and he can answer that question specifically—had a meeting at the White House, and he was requested to see if some negotiator could be called in and whether there could be a solution found for this problem.

Mr. HOFFMAN. So it was at the White House's suggestion that this procedure was started.

Mr. REYNOLDS. That is my understanding.

Mr. HOFFMAN. Thank you ever so much.

Do you have any questions?

Mr. SMITH. Yes; I want to ask a question.

On February 11, this meeting was held at 4 o'clock. Is that right?

Mr. REYNOLDS. That is right. I remember it very distinctly now. I was trying to get my dates straightened out.

Mr. SMITH. Where was this meeting held?

Mr. REYNOLDS. It was held at the office of Government Services in their building at Twenty-first and M Streets.

Mr. SMITH. When did you talk to General Fleming in regard to this meeting?

Mr. REYNOLDS. About 1 o'clock in the afternoon, as I remember.

Mr. HOFFMAN. And you took the necessary steps then to call the other members of the trustees, to get them to this meeting?

Mr. REYNOLDS. I called General Grant. He is president.

Mr. SMITH. What time do you think you called General Grant?

Mr. REYNOLDS. Well, as soon as I could reach him. I think it was around 2 o'clock. And I had asked that it be called at 3, and he said they could make it at 4 o'clock.

Mr. SMITH. Did you have this conversation with General Fleming over the telephone or in person?

Mr. REYNOLDS. In person.

Mr. SMITH. Did you go to his office?

Mr. REYNOLDS. I did, sir.

Mr. SMITH. And he said he had been to a meeting at the White House?

Mr. REYNOLDS. That is right.

Mr. SMITH. You got the impresion that that meeting was that day?

Mr. REYNOLDS. I think it was; yes.

Mr. SMITH. Well, what is your best recollection?

Mr. REYNOLDS. Yes; that is my best recollection, that it was on that date.

Mr. SMITH. Did he not say that he had been down to the White House that morning?

Mr. REYNOLDS. I think so; yes.

Mr. SMITH. That is all.

Mr. HOFFMAN. General, you were sworn once before.

Now, February 10 you were up before our committee.

TESTIMONY OF MAJ. GEN. PHILIP B. FLEMING—Recalled

General FLEMING. That was on a Tuesday.

Mr. HOFFMAN. Then what happened after that?

General FLEMING. On Wednesday, at noon, although the papers carried an article that it was 2 a. m., while it actually was at noon on Wednesday, I went to a meeting at the White House. And, as you know, the President had said that he had directed the Secretary of Labor to see what could be done toward settling this strike. And the Secretary gave his views.

What he really came to was that the board of GSI should meet and designate or accept Admiral Mills to negotiate a settlement of the strike.

Mr. HOFFMAN. Now, who suggested that?

General FLEMING. Secretary Schwellenbach.

Mr. HOFFMAN. And that was at White House?

General FLEMING. That was at the White House.

Mr. HOFFMAN. Who was present?

General FLEMING. The President, the Secretary, Mr. Steelman, Mr. Clifford.

Mr. HOFFMAN. You say the President's secretary?

General FLEMING. The President, the Secretary.

Mr. HOFFMAN. The President himself?

General FLEMING. Yes.

Mr. HOFFMAN. And Mr. Steelman?

General FLEMING. Mr. Steelman, Secretary Schwellenbach, Mr. Clifford, and I.

Mr. HOFFMAN. Now, let us go back just a moment.

At the hearing on the 10th, you recall we had the reporter from the Post up there, and he insisted that his article about an order having been issued to you was true; and you said that you had not received that order.

General FLEMING. That is correct, sir.

Mr. HOFFMAN. Did you get an order like that subsequently?

General FLEMING. This is at the meeting of the 11th, at noon at the White House.

Mr. HOFFMAN. But when you were with us on the 10th, you had no such order?

General FLEMING. That is correct, sir.

Mr. HOFFMAN. Did anybody in your department have an order?

General FLEMING. No, sir.

Mr. HOFFMAN. Well, how do you account for that reporter's story? And his editors, I am told, backed him up. Was it a sort of a premature leak?

General FLEMING. I don't know where he got his story, sir. But my testimony was honest and correct.

Mr. HOFFMAN. I have no doubt about that.

General FLEMING. I am a graduate of West Point. I served 40 years in the Army, and I tell the truth.

Mr. HOFFMAN. No one is questioning that, General.

General FLEMING. And where he got his information, I don't know. He also printed in his story that the White House meeting was at 2 a. m. on Wednesday. Where he got that information, I wouldn't know. I certainly would remember 2 a. m. if I was called there.

Mr. HOFFMAN. Well, I think that was a slip of the typewriter.

All right. Here was the President, Mr. Steelman, Mr. Schwellenbach, and General Fleming. Who else?

General FLEMING. Mr. Clifford.

Mr. HOFFMAN. Mr. Clifford. Now, who said what?

General FLEMING. And I don't know whether I ought to be quoting the President here.

Mr. HOFFMAN. I do not think it would do any harm, because he sends his messages right along.

General FLEMING. He wanted to know what conclusions Mr. Schwellenbach had come to. Mr. Schwellenbach said he thought the board ought to meet and accept the services of Admiral Mills to negotiate with the union, to see if a settlement could not be reached. And the President asked me if I would see what could be done in that respect.

It was a very short meeting. I went from there to my office and called Mr. Reynolds, who was the Commissioner of Public Buildings, who was here before you just now, and who is in my organization.

PBA is a part of Federal Works Agency. I told him that I would like to have him call and see if a meeting of the board could be called for that afternoon, and see whether Admiral Mills would be acceptable.

Mr. HOFFMAN. Did you attend that meeting?

General FLEMING. No, sir; I did not. There was a meeting of the board, I think, at 4 o'clock that afternoon.

Mr. HOFFMAN. And they accepted it?

General FLEMING. They considered it, and General Grant advised me the next day that Admiral Mills would be satisfactory to them.

In the meantime, Admiral Mills, who was a busy man and had been given additional duties, did not feel that he had the time to devote to this thing.

Mr. HOFFMAN. Let me go back again.

Did you in substance advise Mr. Reynolds to convey to the trustees that it was the wish of the White House, or the President?

General FLEMING. I did; yes, sir.

Mr. HOFFMAN. And just about how did you word that?

General FLEMING. Just about in the words that you used just now.

Mr. HOFFMAN. Now, at this meeting at the White House, did anyone mention the Taft-Hartley Act?

General FLEMING. I think probably it was mentioned, yes.

Mr. HOFFMAN. Do you recall any discussion as to whether it was advisable to use that or some other method?

General FLEMING. As I told you at the previous hearing before you, Mr. Hoffman, when the Taft-Hartley Act was passed the President told us at a Cabinet meeting one day that although there were provisions of it he did not favor, it was the law of the land, and he would enforce it.

Mr. HOFFMAN. Yes. I was thinking of that similar statement that he made to the Congress in his message, and gave to the public, in connection with whether there was any discussion in this meeting of the eleventh about the Taft-Hartley Act, and using it in the settlement of this strike.

General FLEMING. I don't recall all that took place there. I have the impression, though, that the matter of the signing of these affidavits, these non-Communist affidavits, was raised. And as the local officers had signed the affidavit as to communism, Secretary Schwollenbach felt that it was therefore legal to negotiate with them, even though the officers of the parent organization had not signed the affidavit.

Mr. HOFFMAN. I think that is all, General.

Let us now have all the trustees who have not been called.

If you gentlemen will have chairs right along there on the side, it will save some walking.

Do you, and each of you, solemnly swear that the testimony which you shall give shall be the truth, the whole truth, and nothing but the truth, so help you God?

General GRANT. I do.

Mr. DONALDSON. I do.

Mr. GILLEN. I do.

Mr. MARTIN. I do.

Mr. PETERS. I do.

Mr. WILLIAMS. I do.

Mr. HOFFMAN. Perhaps it would be well for me to say that the testimony at this time shows that on the eleventh, which was a Wednesday, the eleventh of February, the trustees met in special session to hear a message from Mr. Reynolds. That message had to do with the suggestion that Admiral Mills be appointed to negotiate.

Now, Mr. Donaldson, will you give us your version of what happened at that meeting on the eleventh, sir?

TESTIMONY OF MAJ. GEN. U. S. GRANT 3d (Recalled); H. S. DONALDSON, JUSTICE DEPARTMENT; F. F. GILLEN (RETIRED), DEPARTMENT OF THE INTERIOR; R. F. MARTIN, GENERAL ACCOUNTING OFFICE; C. A. PETERS, FEDERAL WORKS AGENCY; AND A. J. WILLIAMS, MARITIME COMMISSION

Mr. DONALDSON. Yes, sir.

We were notified, Mr. Chairman, that a special meeting of the Board would be held at 4 p. m., that afternoon, called at the request of Mr. Reynolds. We met, sir, and Mr. Reynolds, if my memory serves me correctly, informed us that General Fleming had had a meeting at the White House earlier in the day, and it was the wish of the White House

that the differences between GSI and the strikers be ironed out, and that Rear Adm. Earle Mills be called in to assist in ironing out those differences.

Mr. HOFFMAN. And you gentlemen discussed the matter?

Mr. DONALDSON. Yes, sir.

Mr. HOFFMAN. And finally adopted a resolution?

Mr. DONALDSON. Yes, sir.

Mr. HOFFMAN. You understood at that time, did you, personally, that it was the wish of the White House that the admiral be appointed?

Mr. DONALDSON. The wishes of the White House, Mr. Chairman, were that the differences be settled, as I understand it, and that Rear Admiral Mills might be the medium of effecting that settlement.

Mr. HOFFMAN. Do you know anything about how Mr. Strong got into the picture?

Mr. DONALDSON. No, sir; I do not.

Mr. HOFFMAN. Are you in a position where you can be harmed by anyone in authority in the administration? I mean, in the sense of "harmed financially," or as to your advancement in the Government service?

Mr. DONALDSON. I am a civil-service employee, Mr. Chairman.

Mr. HOFFMAN. I know. But you are familiar with the fact, are you not, that sometimes even the civil service does not function adequately?

Mr. DONALDSON. I have heard of certain cases.

Mr. HOFFMAN. Well, I will waive the rest of it, and we will let that go.

I might ask you this personal question: As to whether you think the Taft-Hartley Act should be used wherever possible in the settlement of labor controversies or disputes.

Mr. DONALDSON. I didn't quite get that question.

Mr. HOFFMAN. As to whether in your opinion the Taft-Hartley Act should be used to settle labor disputes, or strikes.

Mr. DONALDSON. I certainly approve, sir.

Mr. HOFFMAN. And you understand, do you not, that Congress, in passing it, was making an effort to squeeze out the Communists when it incorporated that provision requiring signing of affidavits by the officers of unions?

Mr. DONALDSON. Yes, sir.

Mr. HOFFMAN. You are in favor of that, too?

Mr. DONALDSON. Yes, sir.

Mr. HOFFMAN. Do you understand any more about this situation?

Mr. DONALDSON. No, sir.

Mr. HOFFMAN. You see, the members of this committee are members of the Labor Committee, which sits here, and the gentlemen at the table there are on the staff of the Ball committee, the Joint Committee on Labor-Management Relations, also known as the watch-dog committee.

And we are charged with writing a better law, if we can, later on.

So for that reason we would like any suggestion that you have or any criticism that you have of the law, or the way it is functioning.

Mr. DONALDSON. I have no criticism, Mr. Chairman.

Mr. SMITH. Of course, you understand, gentlemen, that it is not a question of this cafeteria strike. That is not the only question in-

volved. But if this pattern could be followed all over the United States in all labor disputes where communism is involved, that is another matter. That is one of the things that Congress is concerned about: Whether or not executive authority is going to adopt this as a matter of principle, to try to settle all of these strikes, where Communists are involved, and they have not signed. That is the question here.

This cafeteria strike is a minor issue.

Mr. HOFFMAN. General Smith, I think it is just a symptom; that is all.

Mr. SMITH. We have a right, as the Congress, to inquire whether this is the pattern that is going to be used all over the country; that is all.

Mr. HOFFMAN. For myself, I can only say that I am somewhat dismayed and somewhat worried to think that we spent so many weeks here holding hearings, and then we wrote a law, and we had the wisdom of the gentlemen from the Senate and their staff, and now we find right here in the Capital, when a strike comes up, they do not use it. And some of us wonder whether our labors were in vain, and whether our printing of these things was all so much needless expense.

Well, you are Mr. Gillen, of the Navy?

Mr. GILLEN. Retired.

Mr. HOFFMAN. Retired from the Navy?

Mr. GILLEN. Retired from the Interior.

Mr. HOFFMAN. You get the drift of our inquiry?

Mr. GILLEN. Yes, sir.

Mr. HOFFMAN. What do you say about it now?

Mr. GILLEN. I simply can say that I also attended the meeting of the trustees and, as stated by Mr. Donaldson, he brought a message to the board that the White House was very anxious to settle this strike and to agree to the appointment of Admiral Mills as a negotiator in the settlement of that strike.

Mr. HOFFMAN. Did you understand that he was given authority to settle it, or was just to find the basis of negotiations?

Mr. GILLEN. He was just to find the basis of negotiations. And that is the only authority that the board agreed to. It was in an effort to get the basis for a settlement.

Mr. HOFFMAN. Well, I might now go back to Mr. Donaldson:

Were you then, or are you now, in favor of bypassing the Taft-Hartley Act and working through an outside negotiator, who has no legal authority? Or do you care to answer that?

Mr. DONALDSON. Is the question directed to me, Mr. Chairman.

Mr. HOFFMAN. Yes.

Mr. DONALDSON. Mr. Chairman, I think we took a very firm stand, in accordance with our understanding of the Taft-Hartley Act. And personally I saw no reason whatever to deviate from that stand.

Mr. HOFFMAN. Would you say the same, Mr. Gillen?

Mr. GILLEN. That is my general opinion with reference to it.

Mr. HOFFMAN. All right.

You are Mr. Martin, of the General Accounting Office; R. F. Martin?

Mr. MARTIN. Yes, sir.

Mr. HOFFMAN. Pardon me, Mr. Gillen. Did you want to say something more?

Mr. GILLEN. No; not unless you wanted to ask another question.

Mr. MARTIN. Mr. Chairman, I can add nothing to what the gentleman has just said. I was in the same meeting. And my conclusions are the same as theirs. I believe in the Taft-Hartley Act, and its enforcement, as long as it is a law.

Mr. HOFFMAN. Well, aside from the question of whether it is a law, and your favoring it for that reason, have you any thought that it is a bad law? And if so, in what particular respects? And if it is a bad law, how can we fix it up?

Mr. MARTIN. I think personally it is a very good law.

Mr. HOFFMAN. How do you stand on that provision about the anti-Communist affidavit?

Mr. MARTIN. I agree with that 100 percent.

Mr. HOFFMAN. What do you say, Mr. Peters?

Mr. PETERS. Mr. Chairman, I was not present at that meeting, because I was on a field trip for the Government. However, I have been in touch with matters from time to time as the board has considered them, and I would say that I agree with the other three gentlemen that you have questioned. And I certainly agree, as the entire board did, that the provisions of the Taft-Hartley Act, certainly as far as the non-Communist affidavit is concerned, should be complied with.

One reason I have for that is that I am a Government employee, and if the Government requires me to sign a non-Communist affidavit, I see no reason why a group such as this group, which has business in our Government buildings, should not be compelled to comply in a similar way.

Mr. HOFFMAN. Mr. Williams?

Mr. WILLIAMS. Mr. Chairman and gentlemen, I was present at the meeting on February 11, and the statements that have been made as to what transpired at that meeting are accurate. I can add nothing to that at all. We did take the action that has been stated.

As far as I am personally concerned, I still adhere to the action that we took on the 11th of February.

Mr. HOFFMAN. Now, I might ask you: Is there any one of you who considered then, or consider now, that action to be one granting authority or approving authority to anyone other than the conciliator selected by the President under the Taft-Hartley Act to settle the strike?

Mr. WILLIAMS. That action of February 11, Mr. Chairman, as I remember it, was merely exploratory. The name of Admiral Mills was suggested to the board as mediator or conciliator, and the board wasn't willing to go along with that until they found out what basis Admiral Mills might have in mind for settling this strike. In other words, they weren't going to give anyone carte blanche authority to go ahead and conciliate. Our position was very definite.

Mr. HOFFMAN. Or settle it?

Mr. WILLIAMS. Or settle it.

Mr. HOFFMAN. General Grant, will you just take that yourself, and tell us about that meeting?

General GRANT. If I may, I will give each of you a copy of the resolution that was passed, as I think you may be interested in the exact wording of it.

Mr. HOFFMAN. That will be received in evidence.
(The resolution referred to is as follows:)

RESOLUTION PASSED BY THE BOARD OF TRUSTEES OF GOVERNMENT SERVICES, INC.,
AT A MEETING HELD ON FEBRUARY 11, 1948

It was moved, and seconded that the president of the board of trustees be authorized to discuss with General Fleming, Administrator of the Federal Works Agency, and Admiral Earle Mills the basis on which the trustees would consider accepting the services of Admiral Mills as a negotiator in the present strike situation. The motion was adopted.

General GRANT. I presided at the meeting, and this resolution that is before you was passed, and that was all the authority that I had in connection with the negotiations.

About 2 days afterwards we found that Admiral Mills would not be available, and I was asked by General Fleming whether Colonel Strong, George E. Strong, would be acceptable; and, after looking into Colonel Strong's record, as far as I could ascertain it, I thought that it would be satisfactory to have him see whether he could find a formula or not, which would still remain within the act, and the intentions of the act, and yet might get these people off the street and out of the picket lines.

So we have had various meetings with Colonel Strong.

I would like to put this into the record: That at that meeting of February 11 the trustees also decided that they would not recede on their requirements; that we would not enter into a contract with a union that was not certified, and that we would not dismiss the employees who had come in and helped us out, or stayed with us and helped us out during the period of the strike.

Those two items, I think, are pertinent, because they were matters of agreement before we left, for my instructions in dealing with the negotiator.

Mr. HOFFMAN. That was your original position?

General GRANT. That was the original position, and it was merely reconfirmed for my guidance in dealing with the negotiator.

Mr. HOFFMAN. That is still your position?

General GRANT. As I understand it, it is.

Mr. HOFFMAN. That is the position of GSI, you gentleman all say?
(General affirmative response.)

General GRANT. And Mr. Strong has been advised very definitely that in the course of the negotiations, any formula he did find would have to be referred to the board for its approval; that I did not have any authority under this resolution which you have there to accept such a formula.

Mr. HOFFMAN. Well, we have here now six members of the board. The others have been excused.

Am I correct, then, in the assumption that GSI will not discharge its present employees—unless, of course, so ordered by the court—just to make way for members of this union?

General GRANT. That is the policy decided upon.

Mr. HOFFMAN. And if anyone disagrees with that, I hope you will indicate his disagreement; because if he does not, his silence will be taken as approval of what the general says on that.

But the GSI is willing, as I understand from the previous testimony, to take back these former employees, who are members of the

union, if and when they have vacancies occurring, and the employees are qualified.

General GRANT. We have reemployed some of them during the period of the strike, when they have come back to us and asked for work, and we had a job to give them.

Mr. HOFFMAN. And you are willing to continue that policy?

General GRANT. Well, no formal action has been taken by the board on that, but I think that is my understanding of their views.

Mr. HOFFMAN. The general speaks for the rest of you who are in the room?

(General affirmative response.)

Mr. HOFFMAN. I gathered from the previous testimony that that was the general opinion.

Mr. SMITH. This is a collective question:

Have any of you gentlemen received any communication in any form whatsoever indicating that if you gentlemen did not settle the strike, the cafeterias would be closed upon 30 days' notice?

(General negative response.)

General GRANT. In talking the matter over quite informally, I find the impression that something of the kind might be said. But it wasn't said. We have never had any ultimatum of that kind. But I have understood, in the background that something like that might be done.

Mr. SMITH. Well, who is going to do that?

General GRANT. It would have to be done by Federal Works Agency.

Mr. HOFFMAN. Is that General Fleming?

General GRANT. That would be General Fleming.

I want to make it perfectly clear that no such threat, definite threat, was made. But I have in mind—and I don't know that I can say exactly when or how the impression came—that that might be done if we didn't succeed in finding some formula for reaching a settlement.

Mr. HOFFMAN. Well, we all sense those things at some period. When I come home alone at night, I can feel it in the air.

General GRANT. It may have been that I have thought a good deal about what might happen, sir. I don't know to what extent that effort to foresee what would happen has impressed my mind on that. But I want to be perfectly frank with the committee, and I have that impression that that might be the answer if we did not succeed in finding a formula for settling the strike.

As I say, I have thought so much about this, and what we would do if this or that happened, that I would have to be a little vague about it.

Mr. FISHER. You recall General Fleming's testimony, General Grant, that the cafeterias were now being operated in an entirely satisfactory manner, and that he had no authority and would attempt to exercise no authority to cancel a contract without a 6 months' notice, in accordance with the terms of the contract. He is on record as saying that.

And I believe he will stand by his statement.

Mr. HOFFMAN. And the general also has knowledge of the fact that the cafeterias in the Supreme Court Building and in the Labor Department Building were actually closed. So what cannot be done has been done. And I gather the general impression is that it might be done again.

Mr. DONALDSON. For the record, Mr. Chairman, I would like to suggest a correction. I think you mentioned the Department of Justice cafeteria. That has not been closed.

Mr. HOFFMAN. The Supreme Court, sir.

General GRANT. If the chairman would be interested in my personal view, you asked the others about the law, and how satisfactory it was.

Mr. HOFFMAN. We are interested in whatever you have to say.

General GRANT. I believe there is one hole in this, and perhaps two. One is that now it is required that they sign these non-Communist affidavits to the effect that they are not connected with any Communist organization. That means that a person who is a member of a Communist or subversive organization, or is a Communist could resign today and sign the certificate tomorrow. I believe that that is a flaw in getting practical action; that probably it should be stated that he has not been a member for a number of years, or something of that sort.

Mr. HOFFMAN. The House, let me say, in this very room, tried to write that very thing in.

Mr. FISHER. We did write it in on the floor of the House, but it was taken out in the House. And for your further information, I wrote a bill recently, just to stimulate some consideration of the subject, which would require them to make the affidavit that they were not members of the Communist Party at that time, and had not been within a period of 5 years preceding; which I think would be a very healthy thing and a very necessary thing.

I think your point is very well taken.

It is so easy for them to say, "I was yesterday, but I am not today." And the Department of Justice is nearly helpless in going back and showing what they were a year ago.

I think they should establish their status with respect to that, over a period of years, rather than overnight.

General GRANT. Now, the other thing would be a matter of clarification, perhaps. But we confronted the situation with the idea that it was the intent of the law that you wanted to help the unions to get rid of the Communist domination. And for people working in the Federal buildings, it certainly would be ignoring that intent if we went ahead and bargained with the union, which we knew was under communistic domination of the UPWA.

If we are right, if our attitude is right, it might be desirable that the legislation include something to the effect that a contractor or a Government agency dealing with a union which operates within a Federal reservation, or within Federal buildings, shall not bargain with the union, or enter into any contract with the union until that item has been complied with. Because much of the discussion that has been going on has been on the basis that you should bargain with them anyway, and make a contract; which would be legal under the law, we realize, but we felt was not proper under the law. It has been on the basis that you should do that in spite of whether they have been certified, or qualified or not. And if it is the intent of the Congress that that should not be, that misunderstanding might be explicitly done away with.

Mr. HOFFMAN. I think that is all, and I want to thank each and every one of you on behalf of the committee.

You gentlemen are all excused, and we hope we will not have to bother you again.

(Whereupon, at 12:25 p. m., a recess was taken to reconvene at 2 p. m., of the same day.)

AFTERNOON SESSION

(Pursuant to the taking of the noon recess, the executive session reconvened at 2 p. m.)

Mr. HOFFMAN. The meeting will come to order.

Mr. Gibson, do you solemnly swear that the testimony which you shall give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GIBSON. I do.

TESTIMONY OF JOHN W. GIBSON, ASSISTANT SECRETARY OF LABOR,
LABOR DEPARTMENT, WASHINGTON, D. C.

Mr. HOFFMAN. You are Assistant Secretary of Labor?

Mr. GIBSON. John W. Gibson, 3337 South Wakefield, Fairlington, Va.

Mr. HOFFMAN. A member of the CIO?

Mr. GIBSON. Yes, sir.

Mr. HOFFMAN. And for how many years president of the Michigan State CIO organization?

Mr. GIBSON. A little over two.

Mr. HOFFMAN. And before that you had some connection with union activities, did you?

Mr. GIBSON. I was secretary a few years prior to that time, Congressman; also chairman of the department of labor and industry in Michigan in between times.

Mr. Chairman, for your benefit and the benefit of the members of the committee, I would like to say that any time this committee wants me down here, I will be quite willing to appear voluntarily, and I understand there was a subpoena issued, which was withdrawn, but I have never refused to cooperate with congressional committees, and any time you want me, just have the clerk give me a call. I will be here.

Mr. HOFFMAN. That is very fine. Sometimes to insure appearance, when the committees cannot possibly postpone their hearings, they issue subpoenas.

Mr. GIBSON. It won't ever be necessary in my case if I am in town and available.

Mr. HOFFMAN. We found it impossible yesterday to contact one of the gentlemen we wanted because he was not around, do you not see; so as to be real sure sometimes we do subpoena them. Service of that subpoena was withheld at your request.

Mr. GIBSON. That is right.

Mr. HOFFMAN. And on your statement.

Mr. GIBSON. I appreciate that.

Mr. HOFFMAN. What connection have you had with this strike in the Federal cafeterias where GSI is the employer, and 471 is the union?

Mr. GIBSON. Well, actually very little, Mr. Congressman. As Assistant Secretary of Labor, the Secretary might call on me for a little aid and assistance in connection with the job he is handling, and I understand the White House asked him to check into it, and in that connection at times he asks questions of me, and things like that.

Mr. HOFFMAN. Well, of course, you are aware that Congress provided mediation machinery in the Taft-Hartley Act.

Mr. GIBSON. Yes, I am.

Mr. HOFFMAN. For the settlement of disputes like this if the parties want to avail themselves of it. You are aware of that, of course.

Mr. GIBSON. I am aware of that.

Mr. HOFFMAN. We are aware of the fact that no one is obliged to use that machinery unless they wish.

Mr. GIBSON. Yes.

Mr. HOFFMAN. You did ask Mr. Strong, did you not, to act as what?

Mr. GIBSON. Well, I asked him if he would be available for service in connection with the GSI strike.

Mr. HOFFMAN. To do what?

Mr. GIBSON. Well, I didn't know what he was to do. I didn't know whether he was to be a mediator, a conciliator, negotiator, or just what.

Mr. HOFFMAN. What did you think he was going to be?

Mr. GIBSON. I didn't know.

Mr. HOFFMAN. Just how did you come to ask him then?

Mr. GIBSON. The Secretary——

Mr. HOFFMAN. Schwellenbach.

Mr. GIBSON. Asked me to get in touch with him, to see if he would be available, if he could be of service.

Mr. HOFFMAN. Did you contact GSI in that connection?

Mr. GIBSON. No.

Mr. HOFFMAN. The union?

Mr. GIBSON. No.

Mr. HOFFMAN. Did you ever discuss the matter with Mr. Strong?

Mr. GIBSON. Do you mean prior to his appointment?

Mr. HOFFMAN. No, afterward.

Mr. GIBSON. I have had two or three discussions with him since.

Mr. HOFFMAN. What is the substance of that, and what did he recommend he do or not do?

Mr. GIBSON. I mean I don't think it is within my province to recommend what he does or does not do in the thing.

Mr. HOFFMAN. If you are not going to recommend anything or suggest anything, what is the use of talking to him if you are not?

Mr. GIBSON. Well, I mean I am available to anyone who wants to counsel with me on labor problems.

Mr. HOFFMAN. What did he want to know of you?

Mr. GIBSON. We discussed the question of the legal liabilities under the Taft-Hartley Act.

Mr. HOFFMAN. Of the GSI to employees who might be discharged?

Mr. GIBSON. That is right.

Mr. HOFFMAN. Are you a lawyer?

Mr. GIBSON. No, sir.

Mr. HOFFMAN. Did you refer those questions to your counsel?

Mr. GIBSON. I did.

Mr. HOFFMAN. Was there anything else you discussed except the liability of the company to its employees for wrongful discharge?

Mr. GIBSON. Oh, well, some general discussions about the situation in general, things like that, I mean.

Mr. HOFFMAN. You knew that Flaxer had been charged many times with being a Communist?

Mr. GIBSON. I understand that.

Mr. HOFFMAN. He refused to sign the affidavit.

Mr. GIBSON. That is what I am told.

Mr. HOFFMAN. Do you know whether it is the conclusion of the legal department of the Department of Labor that the officers of the national do not need to sign the Communist affidavits in order to take advantage of the Taft-Hartley Act?

Mr. GIBSON. Well, there has been no ruling to my knowledge by our legal department like that but they can speak for themselves.

Mr. HOFFMAN. I was inquiring because I have heard statements both ways, that before you could bargain with the local, if it was affiliated with the national whose officers refused to sign, I mean that you did not need to bargain with the local whose officers, where it was affiliated with a national whose officers refused to sign.

Mr. GIBSON. Well, Mr. Congressman, on that——

Mr. HOFFMAN. I do not know. I have not seen any authoritative statement from anyone in a position to speak either for the Labor Department or the Labor Board.

Mr. GIBSON. Well, in connection with that, I think it ought to be pointed out that there is no legal restriction against people carrying on bargaining relationship with the union. I mean you understand that.

Mr. HOFFMAN. Yes, but that was not the question. You gentlemen here from the joint committee, do either one of you know whether there has been a ruling on that?

Mr. PRESTON. No, so far as I know there has been no authoritative ruling.

Mr. HOFFMAN. Have any of your departments or agencies' attorneys expressed any opinion in writing on it?

Mr. PRESTON. Not that I am aware of, no, sir.

Mr. HOFFMAN. I wonder if you could give us a copy of that decision of the Board.

Mr. PRESTON. Surely.

Mr. HOFFMAN. We would like that for the record.

(Copy of the Board's decision and order in NLRB Case No. 5-R-3049 is on file with the committee as a reference exhibit.)

As I recall, Mr. Houston changed his opinion over there.

Mr. PRESTON. I believe that is right.

Mr. HOFFMAN. Going back to this, do you favor a policy of collective bargaining outside of the provisions of the Taft-Hartley Act?

Mr. GIBSON. I favor a policy of collective bargaining. Period.

Mr. HOFFMAN. And in this particular case you favored a policy which would induce the GSI to bargain with this union without complying with the provisions of the Taft-Hartley Act.

Mr. GIBSON. I didn't say that, Mr. Chairman.

Mr. HOFFMAN. I am asking you. That is the question I am putting to you.

Mr. GIBSON. Well, I think unless there is some question of representation in the minds of GSI, that there was no reason to resort to the Taft-Hartley Act in this situation.

Mr. HOFFMAN. If that could apply in all cases, there would be no need for any labor law calling for collective bargaining, would there?

Mr. GIBSON. No, I don't think so.

Mr. HOFFMAN. But you do advocate some law, some Federal law calling for collective bargaining, compulsory collective bargaining, let us put it that way.

Mr. GIBSON. No; I didn't say that.

Mr. HOFFMAN. Do you or do you not?

Mr. GIBSON. No; I would not stand for compulsory law forcing collective bargaining. Collective bargaining could not work under those—

Mr. HOFFMAN. You are not in accordance with the provisions of the Old Wagner Act?

Mr. GIBSON. It did not force it, only after a majority of the people had signified that they wanted a particular union. I am in favor of it on that basis.

Mr. HOFFMAN. Oh, yes, it did force collective bargaining when you got down to it. The Supreme Court said they had to bargain collectively when the union asked for it.

Mr. GIBSON. After they were certified.

Mr. HOFFMAN. Do you not think that a union wanting to represent the employees in a particular industry should be certified?

Mr. GIBSON. Well, that depends on whether it is a new union or one that has had collective-bargaining relationship for 10 years.

Mr. HOFFMAN. Suppose it has had collective bargaining since 1935, it has had collective bargaining, and the membership, the employees change all of the time, do they not, in some of these industries?

Mr. GIBSON. There is turnover, yes.

Mr. HOFFMAN. There is turnover; then do you not think within a reasonable time after the union has been certified, if the employees want to petition for a new election, they should have it, so as to know whether the old officers still represent their thought?

Mr. GIBSON. Well, of course, in most unions the officers are elected by the rank and file of these unions every year or every couple of years.

Mr. HOFFMAN. Some unions have not had an election for 10 years.

Mr. GIBSON. Well, not very many, Mr. Congressman.

Mr. HOFFMAN. No, but some.

Mr. GIBSON. That is not the case, generally speaking.

Mr. HOFFMAN. Let us get this clear. Do you not believe that if the right of the officials to bargain is in good faith questioned by either the employer or a substantial number of the employees, that there should be an election?

Mr. GIBSON. Well, there can be under the law.

Mr. HOFFMAN. Do you not believe there should be?

Mr. GIBSON. Well, I think if the employees want to determine whether or not this union still represents a majority of them, certainly they should have that right.

Mr. HOFFMAN. In this particular case why did you prefer that they bargain outside of the Taft-Hartley Act?

Mr. GIBSON. I didn't say anything about this particular case, Mr. Congressman.

Mr. HOFFMAN. I am asking you in this particular case you sought to have Mr. Strong, for example, get these people to bargain.

Mr. GIBSON. No; I did not seek to have him do that.

Mr. HOFFMAN. Who did?

Mr. GIBSON. Well, the Secretary handled this: I didn't.

Mr. HOFFMAN. Well, that was the purpose, was it not?

Mr. GIBSON. I don't know; you will have to ask him.

Mr. HOFFMAN. Listen, do you not know that the only purpose of appointing Mr. Strong was to get him to negotiate this thing?

Mr. GIBSON. We didn't appoint him. I think you ought to remember that Mr. Fleming appointed Mr. Strong, as I understand it.

Mr. HOFFMAN. Who?

Mr. GIBSON. Mr. Fleming, didn't he?

Mr. HOFFMAN. Mr. Fleming?

Mr. GIBSON. Yes.

Mr. HOFFMAN. I did not understand it that way.

Mr. GIBSON. You better check, then.

Mr. HOFFMAN. I have. Is that your understanding?

Mr. GIBSON. That is my understanding. The Secretary certainly didn't appoint him.

Mr. HOFFMAN. If my understanding is correct, Mr. Truman appointed him.

Mr. GIBSON. I don't know about that.

Mr. HOFFMAN. Then do I understand—wait a moment—when Mr. Schwellenbach was here the first time, he took the position that GSI ought to bargain with these people. Do you understand that is to be his position and has been his position?

Mr. GIBSON. I don't know what position he took when he was here the first time.

Mr. HOFFMAN. Listen, now, you are Assistant Secretary of Labor down there under him, are you not?

Mr. GIBSON. Yes.

Mr. HOFFMAN. What position does he take with reference to complying in this particular case with the Taft-Hartley Act? Or bargaining outside of it?

Mr. GIBSON. I think he told you himself in a previous hearing.

Mr. HOFFMAN. What do you understand?

Mr. GIBSON. What position he took?

Mr. HOFFMAN. Do you not know what he wants?

Mr. GIBSON. You had him down here.

Mr. HOFFMAN. Sure we did.

Mr. GIBSON. He is in town. I suggest that you ask him.

Mr. HOFFMAN. We have you here.

Mr. GIBSON. Yes.

Mr. HOFFMAN. I want to know what your understanding of his policy is.

Mr. GIBSON. Well, I think so far as he is concerned, he stands for a policy of free, collective bargaining.

Mr. HOFFMAN. Without——

Mr. GIBSON. I didn't say that.

Mr. HOFFMAN. Without the Taft-Hartley Act.

Mr. GIBSON. I don't know.

Mr. HOFFMAN. I do not know how you can be of much help to him if you do not know what his policy is.

Mr. GIBSON. He makes his own policies and decisions.

Mr. HOFFMAN. You follow them, do you not?

Mr. GIBSON. He tells me to do something; when he does, I do it.

Mr. HOFFMAN. What have you done personally, if anything, with reference to getting this dispute settled?

Mr. GIBSON. Very little, other than what I related to you a moment ago, upon request I have been able to be available to him if anybody wanted to talk to me. I have not made any attempt myself to get hold of people or get anybody together in dispute, but somebody calls me up and says they want to sit down and talk to me about some phase of it, I have been available.

Mr. HOFFMAN. I do not think there are any more.

Mr. SMITH. Did you talk to Flaxer?

Mr. GIBSON. Yes; on one occasion.

Mr. SMITH. Bancroft?

Mr. GIBSON. Bancroft, yes. That was very early in the dispute.

Mr. SMITH. Palmer?

Mr. GIBSON. Yes.

Mr. SMITH. And you called up Strong at the orders of Mr. Schwelmbach to see if he would be either a negotiator or arbitrator or conciliator?

Mr. GIBSON. Yes; I made a call for the Secretary.

Mr. SMITH. What is the difference between a conciliator or arbitrator?

Mr. GIBSON. Conciliator and an arbitrator?

Mr. SMITH. Yes.

Mr. GIBSON. Well, a conciliator tries to get people together and conciliate their differences and get them to arrive at a common understanding. An arbitrator makes the decision himself and usually the parties agree to abide by it.

Mr. SMITH. Then this was not an arbitrator, was it?

Mr. GIBSON. No; it was not, not to my understanding, anyway.

Mr. SMITH. Have you had occasion in your position as Assistant Secretary of Labor to discuss similar matters with other unions that have failed to comply with the Taft-Hartley Labor Act?

Mr. GIBSON. I don't recall any others, Congressman.

Mr. SMITH. And then this, we are to understand, is a case of first impression.

Mr. GIBSON. Oh, that I could not say.

Mr. SMITH. Well, you know what you have done.

Mr. GIBSON. Yes; so far as I am concerned; yes.

Mr. SMITH. It is the first time that you have had occasion to talk to anyone with regard to this matter in dispute here between that we have under consideration?

Mr. GIBSON. In a labor dispute I have talked to a good many people about the general principles of the Taft-Hartley Act which may have included this one.

Mr. SMITH. I mean where a union has failed to comply with the anti-Communist provisions.

Mr. GIBSON. Yes.

Mr. SMITH. And the management refuses to deal with them on that; is this the first case of that type that you have discussed?

Mr. GIBSON. With whom?

Mr. SMITH. With anybody.

Mr. GIBSON. Well, your question is not clear, Congressman, but if you mean——

Mr. SMITH. All right. Strike it out, and we will try to clear it up.

I am wanting to know if you have discussed with anybody else the same principles that are involved in this strike that is before the committee at this time.

Mr. GIBSON. You mean——

Mr. SMITH. Any other unions over the United States, where they have not filed their anti-Communist affidavits, and there is a dispute between the so-called union and the management.

Mr. GIBSON. No; I think this is the only case.

Mr. SMITH. It is the only case?

Mr. GIBSON. Yes.

Mr. SMITH. And then you know from your own personal knowledge that that is the first one that you have discussed.

Mr. GIBSON. Yes.

Mr. SMITH. And when you first talked to Mr. Strong, did you tell him that he was to act as an arbitrator or conciliator?

Mr. GIBSON. No; I didn't.

Mr. SMITH. And you left him hanging up in the air, so to speak; he did not know whether he had a job or not.

Mr. GIBSON. Well, I merely asked him——

Mr. SMITH. If he was available.

Mr. GIBSON. If he was available to be of service. I may have told him that it may be mediation, may be conciliation, may be negotiation. I don't know, because I was not to make the appointment and didn't know what his role was to be.

Mr. SMITH. And then how did Strong find out that he was to be a conciliator or a negotiator?

Mr. GIBSON. That I don't know.

Mr. HOFFMAN. Strong testified he went back down and talked to Gibson, and Gibson told him.

Mr. GIBSON. I can't help what he testified. I didn't appoint him or assign him the job that he has, whatever it is.

Mr. SMITH. And you do not know when was the first time that you talked to Mr. Schwellenbach about this matter, when you found out what his policy was?

Mr. GIBSON. Oh, I don't know. I talk with him daily; I mean I could not identify a date on it.

Mr. SMITH. Did you advise him, Mr. Schwellenbach, or did Mr. Schwellenbach consult with you about closing up the cafeteria in the Labor Department?

Mr. GIBSON. No; that was his own decision.

Mr. SMITH. That was his own?

Mr. GIBSON. Yes.

Mr. SMITH. That is all.

Mr. HOFFMAN. That is all.

Mr. GIBSON. Thank you very much.

Mr. HOFFMAN. Thank you.

Do you gentlemen want to ask any questions?

Mr. PRESTON. No.

Mr. HOFFMAN. Mr. Gibson, sit right down here. Do you know who is going to pay Mr. Strong?

Mr. GIBSON. I haven't the slightest idea.

Mr. HOFFMAN. You knew that Bancroft resigned from the local union rather than sign an affidavit that he was not affiliated with the Communist organization?

Mr. GIBSON. I understand that to be true.

Mr. HOFFMAN. Have you talked with him since he resigned?

Mr. GIBSON. No, sir; I have not.

Mr. HOFFMAN. You knew Flaxer had been charged with being affiliated with Communist front organizations.

Mr. GIBSON. I understand that.

Mr. HOFFMAN. That made no difference to you?

Mr. GIBSON. No; he is a trade union leader.

Mr. HOFFMAN. Have you got any Communists down there that you know of?

Mr. GIBSON. In the Department of Labor?

Mr. HOFFMAN. Yes.

Mr. GIBSON. If there is any, I don't know of them.

Mr. HOFFMAN. In the papers this morning, they say about a hundred in the State Department and some 10 or 12 more in the War Department. I just wondered if you knew of any in your Department.

Mr. GIBSON. I know of none in our Department. We have been pretty cautious about it.

Mr. HOFFMAN. Let me see, were you a member of the union that employed Morris Sugar?

Mr. GIBSON. None of my unions ever employed him that I had any direct influence over.

Mr. HOFFMAN. He was attorney, though, for the CIO up in Detroit.

Mr. GIBSON. United Auto Workers.

Mr. HOFFMAN. He was a Communist, was he not?

Mr. GIBSON. I don't know.

Mr. HOFFMAN. You knew he was twice convicted of violation of the draft laws, do you not, and sent to prison once?

Mr. GIBSON. I did not know that.

Mr. HOFFMAN. You did not know that.

Mr. GIBSON. No.

Mr. HOFFMAN. Judge Tuttle sent him up once, and the other time fined him; that is a matter of record.

Mr. GIBSON. I didn't happen to know that.

Mr. HOFFMAN. You never read that in the paper, either?

Mr. GIBSON. I don't recall that.

Mr. HOFFMAN. You remember he was candidate for office.

Mr. GIBSON. Yes.

Mr. HOFFMAN. In Detroit, the city of Detroit.

Mr. GIBSON. Yes.

Mr. HOFFMAN. Members of the Communists endorsed him up there and put out a circular in his favor?

Mr. GIBSON. They do that to a lot of people.

Mr. HOFFMAN. You remember they did that for him.

Mr. GIBSON. I am sure they did.

Mr. HOFFMAN. Did they ever support you?

Mr. GIBSON. No; they always opposed me.

Mr. HOFFMAN. Did you ever run for city office?

Mr. GIBSON. No; never did; never run for political office.

Mr. HOFFMAN. Just in the union.

Mr. GIBSON. Yes, sir.

Mr. HOFFMAN. They did discharge Sugar a little while ago, did they not?

Mr. GIBSON. I understand the Auto Workers have discharged him; yes.

Mr. HOFFMAN. That is all.

Mr. GIBSON. Thank you.

Mr. HOFFMAN. George E. Strong.

Mr. Strong, we got down this morning to where you had met these gentlemen on—I have forgotten what date it was.

TESTIMONY OF GEORGE E. STRONG—Recalled

Mr. STRONG. Which gentlemen are you speaking of?

Mr. HOFFMAN. The GSI men.

Mr. STRONG. Well, I was meeting them every day. I finally, I think—

Mr. HOFFMAN. We got down to yesterday here, where you were talking about this meeting yesterday. They submitted you a proposition, did they not, yesterday?

Mr. STRONG. Well, I don't know as they submitted me a proposition.

Mr. HOFFMAN. They submitted a proposition.

Mr. STRONG. They submitted a proposition.

Mr. HOFFMAN. For transmittal.

Mr. STRONG. That is right.

Mr. HOFFMAN. Put it in writing.

Mr. STRONG. That we had worked out; yes.

Mr. HOFFMAN. They put it in writing?

Mr. STRONG. Yes.

Mr. HOFFMAN. It read like this:

Picket lines are to be withdrawn at all GSI cafeterias.

Mr. STRONG. I will be glad if you have it there. We prepared it; that was prepared in this meeting yesterday.

Mr. HOFFMAN. That was the joint effort of yourself—

Mr. STRONG. That is right; the first part was what we were going to release to the press. This is it.

Mr. HOFFMAN. Read the whole thing.

Mr. STRONG (reading):

Picket lines are to be withdrawn at all GSI cafeterias. The Supreme Court, Labor Department, and Langston Cafeterias will reopen as rapidly as they can be staffed with old employees, and food and material can be assembled, which should be by Wednesday, March 3, 1948, at the latest. Existing and future vacancies will be filled by old employees.

We agreed that that is what we would release to the press. They had discussed the problem of the possibility of how it would be construed by their own employees, and how these strikers would construe it, and everything, and we felt that was all we should release. We pretty well agreed that is what we would release.

Then they said that they wanted clear—we had a meeting last Saturday; I met with the board in a 3-hour session, at which we went into the whole thing as in the nature of a report; I made a report to General Fleming 2 days before and told him that I had never met anybody but General Grant from the Board, and that I felt it was only fair to

them, as their negotiator—at least, that is what I had been designated—that I owed it to them to make a report and they should have a chance to talk to me and see what kind of person I was.

Mr. HOFFMAN. Who, the trustees?

Mr. STRONG. Yes, sir.

Mr. HOFFMAN. That was not with any idea of getting the idea to them if they did not agree the cafeterias might be closed?

Mr. STRONG. No, sir. No, sir.

Mr. HOFFMAN. No thought of that in mind?

Mr. STRONG. I didn't—I made no such threats.

Mr. HOFFMAN. All right. Go ahead.

Mr. STRONG. And I haven't made any such threats. I have no such—

Mr. HOFFMAN. You have heard that rumor—if they did not settle up, they would close the cafeterias—did you not?

Mr. STRONG. Yes; I have heard that. It has been discussed.

Mr. HOFFMAN. What?

Mr. STRONG. It has been discussed.

Mr. HOFFMAN. Who discussed that?

Mr. STRONG. I think some of the trustees at this meeting—some of them said that they could resign; and I said, "Well, I could step out of this picture, too." As, a matter of fact, with the attitude you gentlemen have shown, I would like to know if the committee would like to have me withdraw from this matter right now.

Mr. HOFFMAN. You can take that up with them sometime.

Mr. STRONG. I mean, from you gentlemen. I would like to know if this committee feels that I should withdraw—that I am not doing a constructive job.

Mr. HOFFMAN. You have been very free about our activities in expressing your opinion; but so far as I am concerned, I have not any opinion about your activities. That is up to you.

Mr. STRONG. I feel, Mr. Hoffman—

Mr. HOFFMAN. Just a minute.

Mr. STRONG. Maybe I haven't used much judgment. Maybe I have been very inept in this thing.

Mr. HOFFMAN. We are not discussing that.

Mr. STRONG. I don't think I should be abused for trying to be constructive.

Mr. HOFFMAN. Nobody is abusing you. Do not feel sorry for yourself. You will get in awful shape if you do.

Mr. STRONG. I am not. Do you want me to go ahead with this, sir?

Mr. HOFFMAN. If you want to read the rest of it. I do want to get in there this question: Where did you hear about this closing of the cafeterias, if the settlement was not made? Where did that come from?

Mr. STRONG. I think when we had this board meeting—GSI board meeting.

Mr. HOFFMAN. What board meeting do you mean now?

Mr. STRONG. When I met with the members of the board—the GSI board on Saturday.

Mr. HOFFMAN. Do you mean with all of them?

Mr. STRONG. Yes; I met with the whole GSI board.

Mr. HOFFMAN. We skipped that, did we not, this morning? I did not get anything about that.

Mr. STRONG. A week ago Saturday I met with the whole GSI board, and I repeated what I had been doing, and the difficulties I had had, and what the attitude of the union was, and the whole thing.

Mr. HOFFMAN. What did you say?

Mr. STRONG. Discussed the Communist problem, and so forth.

Mr. HOFFMAN. What was your talk about, along the line about the cafeterias having to be closed?

Mr. STRONG. I didn't talk about that.

Mr. HOFFMAN. Who did talk about that?

Mr. STRONG. Members of the board. I don't remember who said it.

Mr. HOFFMAN. What did they say?

Mr. STRONG. Well, some of them said that they would just as soon resign and get out of the picture, and others said that maybe the best thing to do would be to turn these cafeterias back to the department. That was some of the things they said.

Mr. HOFFMAN. What was said about the department taking them over, if they did not settle?

Mr. STRONG. No. And I made no such statement.

Mr. HOFFMAN. That is odd, because some of them got the idea here that if the matter was not conciliated that the Government was going to take them over; close them.

Mr. STRONG. That would be no power of mine.

Mr. HOFFMAN. How?

Mr. STRONG. That would not be within my power, and—

Mr. HOFFMAN. Having been present there, I did not know but what you had heard something like that.

Mr. STRONG. We had a 3-hour session here—GSI board; I think they started out—they started out first on apparently a desire to put me on the defensive. They raised the Communist matter. I told them my wartime experience on that.

Mr. HOFFMAN. Were Cross and Ayers there?

Mr. STRONG. Yes; and they asked me if I thought that by the officers signing Communist affidavits—whether that would take communism out of this union. I said, "No; it would not." I told them that in the early days of the war the Communists were not officers.

Mr. HOFFMAN. I know; we have been over that before. Let us just take up to here last Saturday. What was the rest of that talk about the possibility of the cafeterias being closed?

Mr. STRONG. That is all. That is all I know. That is all I recall about it. They just said, "Well, we could get out of the cafeteria business and turn it back to the departments."

Mr. HOFFMAN. Is that what the department wanted?

Mr. STRONG. No; they didn't say that. What they wanted to convey to me was that they were more or less fed up with the union and with this whole thing. I don't say that was all of the members of that board.

Mr. HOFFMAN. But some of the trustees.

Mr. STRONG. Some of the trustees.

Mr. HOFFMAN. Do you suppose, did they give—

Mr. STRONG. One or two of them said, "Well, we just as soon resign and get out."

Then they asked me—they referred to my suggestion about this matter of replacement, when there were vacancies. I said that was not

my suggestion; that was the suggestion that came from Mr. Cross; that I was going along with it.

Mr. HOFFMAN. Did the department give you to understand that if they could not come to some settlement they would rather the GSI would get out?

Mr. STRONG. No; I don't think they did.

Mr. HOFFMAN. You do not think so. Think hard on that.

Mr. STRONG. The only one I have talked to is General Fleming on that.

Mr. HOFFMAN. He did not give you any such idea, did he?

Mr. STRONG. No; he didn't say that. He said that the only power he had was to cancel the contract; that he was in the nature of a landlord, and these people were more or less tenants.

Mr. SMITH. Did he say he had the power to cancel that—just peremptorily cancel it—or 30 days or 6 months?

Mr. STRONG. I understood he had to give 6 months' notice, but I am not sure about that.

Mr. SMITH. Is there any date fixed as to the time they were to cancel out and close them—30 days, or 6 months?

Mr. STRONG. No.

Mr. HOFFMAN. Did you hear any talk about this organization which is operating over in the Pentagon would take over these others?

Mr. STRONG. No; I did hear talk about the organization at the Pentagon—that they had a contract with this union. In fact, the union brought that up, and they said to me that they had 18 contracts, and this is the only one they had trouble with; as argument, I raised the question whether they were a responsible union and what kind of a man Palmer was. I told it to his face. And he said this is the only one we have any trouble with.

Mr. HOFFMAN. Let us go ahead with your statement there.

Mr. STRONG. Then they said they wanted—that General Grant was not at this session yesterday, and I think that was one of the difficulties. These other men did not have the same authority that he had, and so they said they wanted to work something out.

Mr. HOFFMAN. Anyway, this proposition—

Mr. STRONG. And submit it to the Board. This is what they submitted [reading]:

There is to be no contract until the union is certified. Colonel Strong is to function as administrator to decide questions arising between the company and its employees and is bound by no other commitments except to function impartially and to the best of his ability. The company has not agreed, even by implication, to discharge employees now on the job in order to make places for striking employees. The company has agreed to administer voluntary check-off in conformity with the provisions of the Labor-Management Relations Act.

Mr. HOFFMAN. That is all of it?

Mr. STRONG. That is right, sir.

Mr. HOFFMAN. You thought that was fairly reasonable?

Mr. STRONG. I went back to the union and tried to sell them on it.

Mr. HOFFMAN. I say you thought it was fairly reasonable as an offer?

Mr. STRONG. Yes; I thought it was the basis for settlement. I felt that this would serve the public interest and be a desirable thing.

Mr. HOFFMAN. Then the failure to settle the strike yesterday, or to settle this thing yesterday—how should I put that?—the failure to

complete the matter yesterday is due to the refusal of the union to accept that proposition.

MR. STRONG. To go along with this, that is right. They wanted the commitment from me just like the company, the GSI; they wanted me to commit myself as to what I would do in the future.

I said this was too uncertain a thing, and I was not willing to make any commitments as to what I would do in the future.

MR. SMITH. Well, now——

MR. STRONG. My thought being this, that if GSI did not carry out the understanding I had with them, which was outlined this morning, why, then I would have to go to General Fleming about it. That was the only one I could go to.

MR. HOFFMAN. Do what there?

MR. STRONG. I would report to him. I told him that I would, that I would go and make a report to him if I found that GSI broke faith with me, and I am not saying that they would, I felt I was in the middle, Congressman Hoffman, and I was being asked to assume responsibility. This idea of being the administrator that came from Mr. Cross, it wasn't anything I relished. I just felt myself being in the position where I might find that I was being held responsible with no power at all, and I wanted to be free to go to General Fleming, and say simply, look, what I thought was understood is out, and lay it right in his lap. Then I wanted also to be free.

MR. HOFFMAN. We are getting too voluminous a record here.

MR. SMITH. I want you to explain this to me. I am confused.

You were approached by Schwellenbach, and the Labor Department, at the request of the White House, and then you go down to GSI and you have used the term here that you were their negotiator.

Now, you have used that repeatedly, that you were their negotiator.

MR. STRONG. That is right.

MR. SMITH. Then you just say that when you get down here, then you go back to Fleming to get an approval.

Just who are you, and who do you represent?

MR. STRONG. That is one of the things that I was confused about myself.

MR. SMITH. I am certainly confused.

MR. STRONG. I was a negotiator for GSI, but——

MR. HOFFMAN. Appointed by the President.

MR. STRONG. By General Fleming; no, by General Fleming.

MR. HOFFMAN. The President suggested your name, did he not?

MR. STRONG. I know nothing about that. I have had no contact with the White House whatsoever, or with anybody there. The only contacts I have told you about with me—General Fleming was the man that I felt that if anything went wrong with this, the only man I could go to was General Fleming.

MR. HOFFMAN. Schwellenbach or Gibson is the boy who contracted you in the first instance.

MR. STRONG. That is right.

MR. HOFFMAN. For the Labor Department.

MR. STRONG. That is right.

MR. HOFFMAN. And he evidently selected you as the negotiator for GSI.

MR. STRONG. I don't know anything about that.

Mr. HOFFMAN. I do not know how you switch it onto Fleming.

Mr. STRONG. He was the one that designated me as negotiator. Frankly, I know it is hard for you to believe.

Mr. HOFFMAN. You have some questions on the issue here. Go ahead.

Mr. STRONG. I am probably a "do-gooder" in this labor movement.

Mr. HOFFMAN. I hope you are better than a lot of "do-gooders."

Mr. STRONG. Well, I really think it is a serious thing, and I am trying to be helpful and use my wartime experience.

Mr. HOFFMAN. Read the Taft-Hartley Act, and consider how hard we worked to get it.

Mr. STRONG. I have read it.

Mr. HOFFMAN. And treat it more tenderly.

Mr. STRONG. I have read it, sir, and I have been reading a lot of the decisions. This has been a very enlightening experience for me, I assure you, and I admit there was a lot that I didn't know when I started in it that I do know now.

Mr. SMITH. Well, now, then, you were negotiator and you got the terms and provisions by which GSI says, "We will operate."

Mr. STRONG. That is right.

Mr. SMITH. You had no other duties except to follow those terms, did you, as an arbitrator?

Mr. STRONG. That is right.

Mr. SMITH. It is all there.

Mr. STRONG. That is right, and I went to the union.

Mr. HOFFMAN. Who? Let us get the individuals instead of organizations.

Mr. STRONG. Well, there was Palmer, Bernstein, a Mrs. Randolph, I can't remember, there were three or four other members of their negotiating committee.

Mr. HOFFMAN. They turned it down.

Mr. STRONG. Well, here is what they wanted. They wanted me—

Mr. HOFFMAN. Did they turn it down?

Mr. STRONG. They turned me down; yes, sir. May I go on?

Mr. HOFFMAN. If you want to, but remember, the Government has to pay for it.

Mr. STRONG. I will stop then.

Mr. SMITH. I want you to go ahead. I want to know what they said and what they wanted.

Mr. STRONG. They asked me to make a commitment that all of their people would be back within a limited period of time, and they talked about a week. They first talked about 3 days. That was one. And I would not make that commitment.

Mr. SMITH. There was not anything there that you could say to them.

Mr. STRONG. That is right.

Then they raised the—they said that I had departed from what I had told them before, which was around 500, and I said, well, there was this new situation which had arisen, with reference to the classified employees which I had not known about when I talked to them several days before.

Mr. SMITH. We are still right back now to where we started out this morning. You have told us all about that, and you have said

nothing about the union, getting mad because the congressional committee issued a lot of subpoenas.

Mr. STRONG. I didn't say the union got mad?

Mr. SMITH. But your statement was to the effect that this blew the thing up.

Mr. STRONG. Oh, no. No; I didn't say it blew it up. I didn't say this blew it up.

Mr. SMITH. Mr. Strong, let us answer this. Did you say this:

I assume it is a rather unusual thing when you are trying to settle a strike to have a committee of Congress call a hearing.

Mr. STRONG. That is right; I said that.

Mr. SMITH. And you further said, "I assume it is their right to do so."

Mr. STRONG. That is right; I said that.

Mr. SMITH. In other words, that is your interpretation of interference in the settling of this strike simply because we called a hearing.

Mr. STRONG. That is my opinion, sir.

Mr. SMITH. Then, if you think that, if we had not issued subpoenas, and had this hearing today, that you would have negotiated this strike and had it settled?

Mr. STRONG. No, sir; I would not say that, but I think I would have had a much better chance than I did have. I thought yesterday noon that the thing was licked. Then I went over and I found the GSI, the attitude there was, well, we don't—it was a withdrawing attitude, and they wanted me to make a commitment which they had never mentioned before as to what I would do in the future.

I said if I am going to have responsibility in this thing, I will not tie my hands to anything.

They never even brought up the subject of commitment before. They took a sudden—they had been very cooperative before, and then all of a sudden they took a tough attitude.

Mr. SMITH. Cooperative? What do you mean by that?

Mr. STRONG. They had been anxious to work with me to try to work the thing out, Mr. Cross in particular.

Mr. HOFFMAN. What do you mean?

Mr. SMITH. I do not understand that. Here we have been having a strike, I do not know how many weeks, and now you say they have been very cooperative with you.

Mr. STRONG. I said they had a cooperative attitude in trying to work this out, and they did from that Sunday when I met with them, on the 15th. They have never refused to meet with me whenever I asked them to.

Mr. SMITH. Have you ever seen Flaxer?

Mr. STRONG. Never have. I would not know him if I saw him. I haven't the slightest idea what he looks like?

Mr. SMITH. Did you see him out here this morning?

Mr. STRONG. Somebody told me he was out there. I told—generally I didn't know what he looks like.

Mr. HOFFMAN. You said just a moment ago that they took a very tough attitude, but previous to that you said you had that proposition before you for weeks.

Mr. STRONG. No, no, not for weeks; I didn't come into this thing. I said a week ago. I had it a week ago; I didn't say weeks.

Mr. HOFFMAN. Their attitude was not any different than a week ago?

Mr. STRONG. Well, this matter of the commitment was different, and also this change in the number involved was different. It was just a toughening attitude there.

Mr. HOFFMAN. What was tough about it?

Mr. STRONG. Well, it was just the attitude.

Mr. HOFFMAN. Let me call them back here. Let us get them in here. I want you to tell them where they toughened up, although I do not think we are getting anywhere. I think we have it all on the record now; that is, we got it this morning.

Let us have them in here.

Mr. Strong said just a moment ago that this proposition was submitted to him Saturday, but that he had had the same thing a week ago. Then he said that yesterday you gentlemen got tough, or toughened up. I guess those were his words, I am asking him in your presence to tell you how you toughened up, and how these gentlemen changed in their position.

Mr. STRONG. No, 1, they wanted a commitment from me as to what I would do in the future, which had never been raised before. I refused to make it.

Mr. HOFFMAN. All right. Then they still gave you this written proposition, did they not?

Mr. STRONG. That is right.

Mr. HOFFMAN. There is not any commitment in there, is there?

Mr. STRONG. There is a word to the effect that I refused to make a commitment, stating that.

Mr. HOFFMAN. There is not anything in here calling for commitment.

Mr. STRONG. No; there isn't anything. We argued. I was there from about 1:30. I guess, to pretty near 5, and one of the things we argued over more than anything else was that commitment.

Mr. HOFFMAN. All right. And they say right here that you, referring to you, are "bound by no other commitments except to function impartially and to the best of his ability."

Mr. STRONG. That is right.

Mr. HOFFMAN. How in tarnation does that show any toughening up?

Mr. STRONG. That was the result of the discussion.

Mr. HOFFMAN. This is?

Mr. STRONG. They wanted a commitment which I declined to give.

Mr. HOFFMAN. Well, this is what you went away with, is it not?

Mr. STRONG. That is right.

Mr. HOFFMAN. There is nothing tough about that, is there?

Mr. STRONG. I didn't say there was anything tough about that. It is their attitude.

Mr. HOFFMAN. Where is there anything—

Mr. STRONG. Their attitude toughened up.

Mr. HOFFMAN. What?

Mr. STRONG. I said their attitude toughened up.

Mr. HOFFMAN. I am asking you to tell us where it has toughened up, and the answer to that is that right here they say that you are not bound by any commitment except to act impartially.

What I cannot understand is why do you say that they have toughened up.

Mr. STRONG. I have told you; if I haven't made it clear, I don't know what more I can say.

Mr. SMITH. I again repeat, you said you were their negotiator, that you were the GSI negotiator. It seems to me that they have a right to know if you are theirs.

Mr. STRONG. What do you mean by that, sir?

Mr. SMITH. Well, you have testified that you were the negotiator for GSI, in this; is that not what you meant?

Mr. STRONG. I was designated negotiator for GSI. I had no power to enter into an agreement without their consent.

Mr. SMITH. That is right.

Mr. STRONG. That is right.

Mr. SMITH. But you were their negotiator and you expected to be paid for this.

Mr. STRONG. That is right. Was it your idea that even though I was their negotiator I should have agreed to commitments that I felt would be harmful and put me in a false position?

Mr. SMITH. As I stated my position—

Mr. STRONG. Mr. Congressman, I don't have to carry on with this thing. I am not compelled to stay in this picture.

Mr. SMITH. I do not know where—

Mr. HOFFMAN. They are not compelled to accept you, either.

Mr. STRONG. That is right.

Mr. SMITH. My original statement was that here were the terms on which you were going to negotiate, and you were only bound to carry out those terms.

Mr. HOFFMAN. Going on from the toughening business, what else was there?

Mr. STRONG. I talked about that this morning, this change in the number of people, and in the classifications.

Mr. HOFFMAN. That is the other thing?

Mr. STRONG. That is right.

Mr. HOFFMAN. We covered that this morning. I still cannot understand how you charge these three gentlemen with getting tough when they finally presented you with a statement which says explicitly that you are bound by no other commitments except to function impartially and to the best of your ability. Have you anything else to say on that?

Mr. STRONG. No, sir; I have not.

Mr. HOFFMAN. I do not know of anything. I just want you gentlemen to know that. We are through now, as far as I am concerned.

I might ask you, whoever knows, down here, are you going to pay the gentlemen? It is up to you to pay them. When did you ever hear that?

TESTIMONY OF JOHN W. CROSS, ATTORNEY FOR GOVERNMENT SERVICES, INC., R. R. AYERS, GENERAL MANAGER, AND J. C. NIEHUSS, PERSONNEL MANAGER, GOVERNMENT SERVICES, INC.—Recalled

Mr. CROSS. That has been practically humorous so far as everybody is concerned. I have been joking with my friend, Mr. Strong, that if he did not get that worked out, he was going to lose interest in this case before long, but he has not. No; there has been no agreement on it.

I had certainly understood that whenever anyone negotiates for a company, that the company should certainly bear at least a part of the expense, and I have been in situations where the union would insist that they pay at least half of the negotiator's expense. That has not been discussed here. We actually have never met with the union, as you know, have not seen Mr. Palmer since November, until this morning, as a matter of fact.

So I had assumed, I think it had been assumed that there would certainly, that GSI would participate in compensation. To what extent, I do not know.

Mr. HOFFMAN. Did the GSI employ Mr. Strong here?

Mr. CROSS. Well, certainly there is no contract of employment, Mr. Hoffman.

Mr. HOFFMAN. Who picked him?

Mr. CROSS. Well, the word came. I was not in on that conversation.

Mr. HOFFMAN. You told us, and Mr. Gibson told us, Mr. Gibson contacted him first. He told us that.

Mr. CROSS. The only information I have on it was what I got through either Mr. Gibson, Mr. Strong, or General Grant.

Mr. HOFFMAN. What is the sum of that; that he is your negotiator? I thought you were the attorney. I want to know how many fellows are working for this GSI. You are the attorney now.

Mr. CROSS. Certainly if Mr. Strong is our negotiator, the understanding had been fairly definite, and I am sure Mr. Strong would agree that he was not in a position to commit GSI without the approval of the trustees.

Mr. STRONG. That is understood.

Mr. HOFFMAN. All right.

Mr. STRONG. I made no demand on salary. I haven't even discussed it, as to what the salary is to be. I didn't go into this thing with the idea of the amount of money I might make of it.

Mr. HOFFMAN. You went in because the President wanted you in.

Mr. STRONG. I did not. I have had no contact with the President. No; I did not. I am interested in this labor field, and I probably was foolish enough to think that I could be of some help. I think it is very important to the country that this labor-relations problem be worked out.

Mr. HOFFMAN. That is why we spent so much time in both Houses in writing the Taft-Hartley Act.

Mr. STRONG. That is right, sir.

Mr. HOFFMAN. It might have been helpful for you to have suggested that they follow that. I think that is all. I cannot think of anything more, unless you want to say something.

Mr. STRONG. I haven't anything to say, sir.

Mr. HOFFMAN. Do you gentlemen have anything; any of you?

Mr. CROSS. No.

Mr. AYERS. No; I don't believe so.

Mr. NIEHUSS. No.

Mr. SMITH. The testimony so far has been that the new employees were more efficient, they got from the new employees more with less numbers than they did from the old ones.

Mr. AYERS. The new employees' attitude has been very good. Their cooperative spirit has perhaps outbalanced their inexperience in a number of cases.

In other words, I won't say that their skills are beyond the employees that performed this work year in and year out, but their attitude has been such that they have produced better results. The customers have been quite complimentary as to the attitude of the people who meet the customers.

Mr. SMITH. And they are just as efficient as the old employees, in spite of the lack of training?

Mr. AYERS. In a general way I will say "Yes." I can't be pinned down too closely to that, because when you get into a skilled job, it is a little difficult to judge as to whether you would say that they were as efficient as an employee who had been performing that work for years. But their attitude and cooperative spirit in a number of instances has overcome their shortcomings in their skills.

Mr. SMITH. Of course, as manager of the cafeterias, your chief concern is with the wastage of food.

Mr. AYERS. That is right, sir.

Mr. SMITH. You can go broke quickly if you waste food.

Mr. AYERS. Yes.

Mr. SMITH. And you would say the wastage of food has not suffered by reason of new employees?

Mr. AYERS. Well, frankly I would have to see some statements before I would want to answer that one directly. I haven't any operating statements on that. I would say that generally speaking there has been no serious condition along that line. I doubt whether it was as good as it was before, so far as the productivity on that is concerned as an average thing.

I hope I have answered your question so that you understand my point on this. The spirit and the manner in which they greet the customers; they are anxious to have a job and are willing workers.

Mr. HOFFMAN. That is all we have, and we will close the hearing. We will have two witnesses from New York, but that is all.

Mr. CROSS. We are excused?

Mr. STRONG. Am I excused?

Mr. HOFFMAN. Yes, sir; if there is anything that you want to say, all right. If there is anything that General Grant wants to say, all right.

Mr. STRONG. I want to thank the committee, and I want to apologize.

Mr. HOFFMAN. There is no need to; it is all in good spirit.

Mr. STRONG. I have been working day and night on this thing, and I am trying to do a constructive job. If I have offended any member of the committee, I am sorry about that.

Mr. HOFFMAN. I will ask you this question: Have you representatives of the national union, that is the union of which Flaxer is president, taken part in these conferences, and to what extent?

Mr. STRONG. There has been a man by the name of Bernstein that has been in the majority of them, along with the other members of the committee. I told the members of the committee that they could bring anyone they chose to these conferences.

Mr. HOFFMAN. Where do you think now, and this is on the record, where do you think you are going to get with trying to get GSI to sit down and negotiate, or negotiate through you, with individuals who refuse to sign the affidavit that they are not affiliated with Communist organizations?

Mr. STRONG. That isn't what we are trying to do.

Mr. HOFFMAN. How?

Mr. STRONG. That is not what we are trying to do. What we are trying to do is to work out an arrangement by which these people go back to work.

Mr. HOFFMAN. Yes.

Mr. STRONG. And then let things ride in the hope that this national picture would be corrected.

Mr. HOFFMAN. What business has Flaxer, who refused to deny that he is affiliated with these Communist organizations, taking any part in these negotiations, any more than you go down on the street and pick up some man?

Mr. STRONG. I have always been of the opinion, I may be wrong, that the union could select anybody they pleased to assist them. I understand Mr. Bernstein is a lawyer.

Mr. HOFFMAN. That is all right. And they can also select a confirmed habitual criminal if they want to?

Mr. STRONG. That is right, and to say that for me at the very beginning, he appeared at the very first conference, not at my request. I didn't even know the man, didn't know who he was, or anything about it, didn't know any of them; in fact, they introduced themselves to me, told me who they were. If I had said at that particular stage that I would not have talked with them unless he left, well, I think that would not have helped work this thing out.

Mr. HOFFMAN. You have not any authority under the law to negotiate for anybody, have you, except as they want to?

Mr. STRONG. That is right.

Mr. HOFFMAN. The GSI has indicated that it wants no truck, if you know what I mean, with people who are accused of being Communists and who will not deny it.

Mr. STRONG. The GSI did not tell me not to meet with Mr. Bernstein.

Mr. HOFFMAN. They did not tell you that, but you know that has been their attitude all the way through, do you not?

Mr. STRONG. I told them that he was there.

Mr. HOFFMAN. I say, I know, but you know it has been the attitude of GSI that they would not bargain with an organization which did not comply with the Taft-Hartley Act in that particular.

Mr. STRONG. That is right.

Mr. HOFFMAN. How do you justify having in one of those fellows who will not deny that he is a Communist or affiliated with it?

Mr. STRONG. I don't know whether Bernstein has refused or not.

Mr. HOFFMAN. Flaxer has.

Mr. STRONG. Well, I have not talked to Flaxer, don't even know him, don't know what he looks like.

Mr. HOFFMAN. You say your purpose is to get them back to work.

Mr. STRONG. That is the important thing.

Mr. SMITH. Is that the important thing?

Mr. STRONG. Yes.

Mr. SMITH. Do we have, this Government, have to deal with a bunch of Communists?

Mr. STRONG. I think it is important to get——

Mr. SMITH. Is there not still some principle left in this country?

Mr. STRONG. I think it is important to get the Labor Department cafeteria and the Supreme Court cafeteria going again.

Mr. HOFFMAN. So long as you know that you cannot——

Mr. STRONG. And I assumed that when I was brought in here, it was with the idea that maybe I would be able to work something out, and that is what I have been trying to do.

Mr. SMITH. With a bunch of people that do not belong to the Communist Party and not dominated by them, and the GSI.

Mr. HOFFMAN. I cannot see how you are going to get anywhere.

Mr. STRONG. I don't know anything about which of these people are Communists and which are not.

Mr. HOFFMAN. You know they have been accused of it.

Mr. STRONG. I do not know.

Mr. SMITH. Now, Strong.

Mr. HOFFMAN. You do not know they have been accused of it?

Mr. STRONG. You mean Flaxer. I had nothing to do with Flaxer.

Mr. HOFFMAN. Do you know that Bernstein under oath refused to say that he was not affiliated with the Communist organizations?

Mr. STRONG. No; I was not aware of that.

Mr. HOFFMAN. I am telling you now that is what the record shows. How do you expect to get anywhere with that fellow sitting at the council table?

Mr. STRONG. I don't think he has helped.

Mr. HOFFMAN. You must just as well ask me to bargain with a known liar whose word could not be relied upon, and who did not have anything. For the life of me, I cannot see why, if you really want to settle this thing, you associate yourself with fellows who do not deny that they are enemies of our country.

Mr. STRONG. Now, Mr. Congressman, I resent the implication again. If I really want to settle it. If there is any question about it, I say to you again, do you want me to get out of this case?

Mr. HOFFMAN. I do not care what you do one way or the other. Here is the point. You say you want to settle it, and yet you permit to sit at the council board fellows who will not deny they are enemies of the country. How can you expect decent, respectable, patriotic Americans to sit down and deal with that kind of people?

Mr. STRONG. My record on the Communists is pretty well known in the War Department.

Mr. HOFFMAN. It is not a question of your record. It is a question of what you are doing or not doing. And what you and Mr. Schwel-lenbach and Mr. Gibson are asking GSI and these trustees, some of whom have served their country in the service, to do, is to sit down and bargain on an equal footing with people who will not deny that they are enemies of the country.

Mr. STRONG. I served my country in two wars, Mr. Congressman.

Mr. HOFFMAN. I do not care if you fought in 50.

Mr. STRONG. And I volunteered in both of them.

Mr. HOFFMAN. It is not that. It is your present attitude.

Mr. STRONG. I don't see anything wrong with my present attitude, and I have no apologies to make for my present attitude to you or to anybody else.

Mr. HOFFMAN. The record here shows that you are trying to force these gentlemen, these trustees, who are serving without pay——

Mr. STRONG. I deny that I am trying to force them.

Mr. HOFFMAN. Sit down.

MR. STRONG. And I think they will admit that I have not tried to force them.

MR. HOFFMAN. You are calling them in, then.

MR. STRONG. I have conferred with them, as I have with the other side, and as you have to do in a negotiation.

MR. HOFFMAN. Nobody has to bargain if they do not want to with a bunch of people who will not deny they are enemies of our country. You know it just as well as I do.

MR. STRONG. I have been told that the majority of those people are perfectly good people, and that their brothers and sisters and aunts and uncles are people who work in all of these departments.

MR. HOFFMAN. We are not talking about the employees.

MR. STRONG. That is what I am talking about. Those are the people I am trying to get back to work.

MR. HOFFMAN. And to get them back to work, you are inviting in these officers.

MR. STRONG. That is the only way through whom I can work. The only other way would be to try to go out and attend a mass meeting.

MR. HOFFMAN. Then, as Mr. Smith says here, otherwise, then, to get a job, you have to take in that kind of people. I would like to know here, first, the gentleman that was called here, you testified first this morning.

MR. DAVITT. Yes, sir.

MR. HOFFMAN. Have you anything to say about this? Does it make it better or easier to bargain if he has that kind of people in?

MR. DAVITT. My personal opinion would be that knowing the line of reasoning and their ultimate objective, I would say that probably it does not help, but whether or not it can be escaped or not, I am not in a position to say.

MR. SMITH. Mr. Strong, who acted as president when you deal with this union out there, now?

MR. STRONG. When I first dealt with them there was Mrs. Randolph. And then they had an election here, and the negotiating committee, and they had an election. She was vice president. She became acting president, and then they had an election here the other night, 2 or 3 nights ago, and they elected new officers. I asked them last night, Where are these new officers? and none of them, none of the negotiating committee were new officers.

MR. SMITH. You say when you first negotiated Bancroft was president?

MR. STRONG. No, no.

MR. SMITH. Randolph?

MR. STRONG. Mrs. Randolph. I will ask Mr. Cross and Mr. Ayers about them. She is a shop steward and a perfectly O. K. person, at least they led me to understand that she was. She was all right. Isn't that correct?

MR. CROSS. She has been on the committee for a number of years. Yes; she had been vice president of the union, and I think it was more or less an accident that she happened to become president when Bancroft resigned.

MR. HOFFMAN. The very fact that Flaxer, of the national, is down here sitting in on this thing shows that there is not any real conversion in the top folks here in the local, or they would not have him in.

Have you anything to say, General Grant?

General GRANT. No, sir; I do not believe so, except I would like to say that Colonel Strong has not tried to push any particular formula on us. I do not want to have anything we have said to imply that he has been trying to bully us into anything, sir. As far as he is concerned personally.

Mr. STRONG. Thank you, sir.

General GRANT. I think he has been conscientiously trying to find a formula by which we, considering the fact that the local has complied with the act, we thought that maybe some way could be found of temporarily, without entering into a contract, getting a modus operandi in which some of these people could go back and the pickets be taken off, and the situation resolved.

What we are mainly interested in, of course, is getting the local union out from under the UPWA, which I think is the dominating influence that has been so bad.

Mr. HOFFMAN. Let me interrupt you right there. You have all testified to that. So far as I know, no one is blaming the employees as a group, but you have all said that they were subject to improper leadership, and under improper influence, and my thought in talking to the colonel was that until they get rid of that improper influence, he is never going to get anywhere. You are not going to get this local out, and just as long as you let those fellows who have exerted their influence and this leadership, and that is Flaxer and Bernstein, if you could have heard Bernstein read his testimony here, he is just as off the beam as anybody can be. He follows a typical Communist line all the way through, as many of us have seen it time and time again.

Just as long as you have that fellow sitting at the table, taking part in the discussions, these local people, misguided, are going to follow him, and instead of a congressional committee being the interfering factor, it is Bernstein and Flaxer, and their Communist associates. That is what is the matter.

Mr. STRONG. May I say something off the record?

Mr. HOFFMAN. Yes.

(Discussion off the record.)

Mr. HOFFMAN. That is all, I think, gentlemen.

(Whereupon, at 3:20 p. m., the executive session was closed.)

INVESTIGATION OF GSI STRIKE

SATURDAY, MARCH 6, 1948

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D. C.

The subcommittee met, pursuant to call, at 2:15 p. m., in room 429, Old House Office Building, the Honorable Clare E. Hoffman (chairman of the subcommittee) presiding.

Mr. HOFFMAN. The committee will come to order.

Mr. Strong? You have been sworn before, have you not?

Mr. STRONG. Yes, sir.

Mr. HOFFMAN. Mr. Fisher, will you examine the witness?

TESTIMONY OF GEORGE E. STRONG—Recalled

Mr. FISHER. Mr. Hoffman, the chairman, asked me to ask a few questions to bring us up to date a little bit on this. We have been now for a couple of months trying to follow it along in an attempt to make the bargaining procedure conform as much as we could to the intent of Congress as set out in the Taft-Hartley Act.

We keep getting rumors coming to us that an attempt is being made to put pressure on the GSI to make concessions and to make settlement under some threat that if they do not do so, something may happen to the contract in the future, and attempting to cause them to arrive at agreements that are not in harmony with true legislative bargaining.

What comment can you make about that? What is your view about that?

Mr. STRONG. I have not been trying to get them to do anything that they did not want. The last meeting I had with them was, I think, Thursday night.

I first met Smith—

Mr. FISHER. What do you mean by "they"?

Mr. STRONG. The GSI board. I first met with their supervisors and then I think the board assembled some time after 5. I think some time after 6, or something like that. I was called in. I had prepared a proposal which was the first proposal that I have prepared in this matter.

Mr. SMITH. Is that the one you proposed up here last Saturday?

Mr. STRONG. No; this is my own proposal.

Mr. FISHER. That was your proposal?

Mr. STRONG. No, sir; that was not my proposal. That proposal came primarily from GSI. I presented it to the union, as I considered it my duty to do, and I urged it. I think there are four different meetings so far. But that was from GSI. That was not my proposal.

Mr. FISHER. What was the newest proposal?

Mr. STRONG. The newest proposal was a result of conferences with both sides, rather lengthy conferences with both the union representatives and the GSI representatives, and it was something that I thought would present a solution. The idea was to bring the old employees back consistent with the efficient operation of the cafeterias. I can't recall now just the exact terms. I remember there was a provision in there that the picket lines would be withdrawn.

Mr. FISHER. Do you happen to have that in writing?

Mr. STRONG. No; I do not have it here, sir.

Mr. HOFFMAN. Was it ever in writing?

Mr. STRONG. Yes, sir.

Mr. HOFFMAN. Let us have it, then. Where is it?

Mr. STRONG. The GSI has a copy of it.

Mr. HOFFMAN. Go ahead.

Mr. STRONG. I think if I had it before me, it would help.

Mr. FISHER. We will see if they have it.

Mr. SMITH. Did you write it?

Mr. STRONG. Yes, sir; I will do my best to recall it, if there is not a copy here. If there is a copy, it will make it a little earlier.

Mr. HOFFMAN. There is your memorandum No. 3?

Mr. STRONG. I would like to see it, sir.

Mr. HOFFMAN. No. 3 is what you had before the GSI last Thursday; is it not?

Mr. STRONG. I am not sure, sir.

Mr. HOFFMAN. Let us identify it and mark it.

Mr. FISHER. Just a second.

Mr. STRONG. Yes, I think this is it.

Mr. HOFFMAN. That is the proposal which was drafted by you and submitted to the GSI last Thursday and it is the last one that has been discussed, is it?

Mr. STRONG. Yes; there have been some suggestions and modifications in this.

Mr. HOFFMAN. So I understand. But you say Thursday the exhibit that I marked "A-1" was drafted by you and submitted to the GSI.

Mr. STRONG. Yes.

Mr. HOFFMAN. Later did you submit it to the union?

Mr. STRONG. Yes; I submitted it, as I recall. I discussed it with the union on Wednesday.

Mr. HOFFMAN. Before you submitted it?

Mr. STRONG. At the same time I had discussed it with the representatives of union and also with the representatives of the GSI on Wednesday.

Mr. HOFFMAN. It was in writing at that time, was it?

Mr. STRONG. Yes; I think it was.

Mr. HOFFMAN. Then on Thursday you again discussed it with the GSI?

Mr. STRONG. That is right.

Mr. HOFFMAN. Then did you take it back to the union?

Mr. STRONG. Yes; I did.

Mr. HOFFMAN. To whom in the union?

Mr. STRONG. It was the negotiating committee, the same committee that I have had before.

Mr. HOFFMAN. Name them. Who are they?

Mr. STRONG. All I can recall now is Mr. Palmer and Mr. Bernstein. I can't recall the other members of the negotiating committee.

Mr. HOFFMAN. Let us get back to Mr. Fisher now. You keep talking about Mr. Bernstein. Mr. Bernstein testified up here as I recall it, that he had little, if anything, to do with the negotiations between the local union and GSI. How does he get into the picture?

Mr. STRONG. He has been at practically every meeting.

Mr. HOFFMAN. Who does he claim to represent? Who does Bernstein claim that he represents?

Mr. STRONG. As I understand it, he is the top negotiating member for the top union.

Mr. HOFFMAN. Yes.

Mr. STRONG. The national union.

Mr. HOFFMAN. And the top union's officials have refused to sign the anti-Communist affidavit.

Mr. STRONG. That is right.

Mr. HOFFMAN. Mr. Bernstein refused to tell us whether he is a Communist or not, did he not?

Mr. STRONG. I don't know.

Mr. HOFFMAN. He did refuse to tell us whether he was affiliated with certain organizations which were charged with being communistic in their activities. Accepting that as a fact, why do you want to sit across the table and deal with Mr. Bernstein?

Mr. STRONG. I don't want to sit across the table.

Mr. HOFFMAN. Why do you do it?

Mr. STRONG. Simply because I have always understood that a union has a right to be represented by whom they please.

Mr. HOFFMAN. That is all right. They can have a habitual criminal. They can have a convict in the penitentiary represent them if they want to. If you want to, you can go to prison and deal with a convict. You are the representative, I understand, appointed by the President.

Mr. STRONG. I don't know anything about that.

Mr. HOFFMAN. All right. Just assume that you represent—

Mr. STRONG. I have no such appointment from the President. I know nothing about it.

Mr. HOFFMAN. Just assume that you do represent the administration. You tell me why you want to sit across the table and negotiate with a fellow who will not deny he is associated with those who are enemies of our country.

Mr. STRONG. I don't want to sit across the table and negotiate with anybody.

Mr. HOFFMAN. Why do you do it?

Mr. STRONG. This has not been exactly a pleasure.

Mr. HOFFMAN. I say why do you do it?

Mr. STRONG. The whole thing has not been a pleasure. Because I have understood that a local union has a right to have such representatives as they choose. I understand he is a lawyer.

Mr. HOFFMAN. That is right.

Mr. STRONG. I understand they want him in the negotiations and apparently they fear that they may get something put over on them if he isn't in the picture.

Mr. HOFFMAN. Yes.

Mr. STRONG. I don't know.

Mr. HOFFMAN. Admitting all that—

Mr. STRONG. I don't think I am in a position to say to the local union, "You can have this man and you can't have that man assist you in this negotiation," any more than I would have any right to say to management, "You can't hire a lawyer to represent you."

Mr. HOFFMAN. Admitting all the things—

Mr. STRONG. When this matter first came in I didn't know Mr. Bernstein from the man in the moon. Didn't even know what his position was. All I knew I had called the local union and asked them if they would send their negotiating people over to my office. That is when Mr. Bernstein appeared along with Mr. Palmer and the rest of them.

Mr. HOFFMAN. You are a reputable loyal citizen, are you not?

Mr. STRONG. Well, my reputation and loyalty has never been questioned before, sir.

Mr. HOFFMAN. All right. It is not being questioned now. I am just starting with that as a premise.

Proposition No. 1: We may assume that then, if you don't care to make the statement yourself—

Mr. STRONG. I will state that I am if there is any doubt about it. I think my past life will stand up as well as yours or anyone else's.

Mr. HOFFMAN. Nobody is questioning it. I am just getting No. 1 fact on the record. Now, assuming that—

Mr. STRONG. I don't know what more a man can do than what I have done to show my loyalty to my country.

Mr. HOFFMAN. I'll tell you one thing you can do to help us here.

Mr. STRONG. What's that; get out of this?

Mr. HOFFMAN. I do not care whether you get out or not. If you want to smear yourself—

Mr. STRONG. I don't want to smear myself in this thing. I didn't ask to come into this.

Mr. HOFFMAN. You have said that a dozen times. So we will assume that. You do not need to repeat it. Let us get back. Here you are a patriotic, loyal citizen. You know, do you not, that we are being asked now to appropriate several billion dollars to fight the Communists?

Mr. STRONG. Well, I understood that.

Mr. HOFFMAN. All right.

Now to get back to this question: Assuming that the union did want a man who was a Communist to represent them, my question is—

Mr. STRONG. I don't know whether Mr. Bernstein is a Communist or not.

Mr. HOFFMAN. I am telling you now, making no statement about whether he is a Communist or not, that he, here before this committee,

under oath, refused to tell us whether he was affiliated with organizations which advocated the overthrow of our Government by force. You are a lawyer and we will just assume that he did do that. My question is—it is the same old question I asked you a while ago—why do you choose——

Mr. STRONG. I don't choose. I don't select the representatives of the locals.

Mr. HOFFMAN. We know that.

Mr. STRONG. Any more than I select the representatives of the management.

Mr. HOFFMAN. Wait a minute. You are a lawyer. Why do you keep dodging the issue?

Mr. STRONG. I am not dodging the issue.

Mr. HOFFMAN. Yes, you are, too.

Mr. STRONG. I am just telling you it is my opinion that if at the first meeting with Mr. Bernstein I said, "You are connected with the international, so you can't sit in here. I'll have no contact with you. The local isn't allowed to select whomsoever it pleases," I think that would have been the end of the negotiations. I may be wrong.

Mr. HOFFMAN. Then your answer to my question is that because you did not want to see the negotiations ended, you accepted him even though——

Mr. STRONG. I knew nothing about him at that time.

Mr. HOFFMAN. You know now, do you not?

Mr. STRONG. I know what you just told me, and you told me that before.

Mr. HOFFMAN. What is that?

Mr. STRONG. You have told me that before, but that is all I know about it.

Mr. HOFFMAN. You have been dealing with him since you learned of it, have you not?

Mr. STRONG. Why, yes; I have dealt with him since I learned it simply because the local brought him along.

Mr. HOFFMAN. We can assume, then, that you are willing to bargain with anyone no matter how loyal or disloyal he may be, if the union selects him.

Mr. STRONG. There, you have a right to put your own interpretation on whatever I have done.

Mr. HOFFMAN. We will let the public judge what you are up to.

Mr. STRONG. I have a right to put my own interpretation on what you have done, sir.

Mr. HOFFMAN. You are welcome to.

Mr. FISHER. Mr. Strong, you have there memorandum No. 3, which as I understand, is the proposed basis for settlement.

Mr. STRONG. Yes, that is right.

Mr. FISHER. That is now pending. Can you identify memorandum No. 4 that I now hand you?

Mr. HOFFMAN. Mark that "Exhibit 6-B." They will both be received in evidence, as will the other various propositions as they are submitted.

Mr. STRONG. I have never seen this before. It is a good deal the same, though, as memorandum No. 3, based on a hasty look at it. Just looking through it hastily, I think it is the same as memorandum

No. 3 with the exception of paragraph 7 and paragraph 9, and I think the changes were the changes that GSI wanted in the original memorandum 3 and which they indicated they would accept if those changes could be put into effect.

However, this language, "such power expressed or recognized granted and approved in memorandum 4" the last line, my recollection was that that was stricken out. That was not supposed to be in whatever GSI was willing to approve.

Mr. FISHER. Has there been any agreement, any tentative agreement, to conclude the negotiation with the signing of any contract?

Mr. STRONG. We did not have in mind the signing of a contract. What we discussed was the possibility that I could get a letter from the union and from the company which would indicate that they approved this memorandum.

Mr. FISHER. Has there been anything agreed upon with respect to the holding of an election by the NLRB to determine who the bargaining agent should be?

Mr. STRONG. Not that I know of.

Mr. FISHER. Has it been discussed?

Mr. STRONG. Not that I know of.

Mr. FISHER. Would it not be a very wise thing, as the basis for settlement under collective bargaining?

Mr. STRONG. I don't know whether it would or not.

Mr. FISHER. For your information, we have been told repeatedly here by the GSI officials that they would be very glad to negotiate in a collective bargaining arrangement with any union after an election is held to determine who the employees want to represent them.

Mr. STRONG. I think you would have here the question of old employees, new employees, those that stayed on that with the union or where not. I don't know which. I have understood there has been some—I saw in the Newsweek that there has been some recent decision by NLRB on that kind of problem.

Mr. FISHER. I understand that all of your tentative agreements, proposals, we will call them, contemplate that the new employees be retained until they are displaced in an orderly way as in normal turn-over. Is that correct?

Mr. STRONG. Believe it or not, I have hoped that this could be conducted and handled in such a way that we could increase the efficiency in the cafeterias and increase the quality of the service and the spread of the service. And in the language both in 3 and 4—let me see. Where is that?

Wait a minute—

Mr. FISHER. I think memorandum 3 is the one that you have been working on.

Mr. STRONG. No. In seven. I would like to quote:

There will be discussed an agreement designed to assure good labor relations as well as uninterrupted, efficient, speedy and courteous service to the patrons of the cafeterias.

That is my language, with the exception of that part there, will be discussed that idea of agreement. That is one of the things I have been working toward. I felt this way, and I have heard from quite a number of sources, that the existing situation in the cafeterias is as good or better than it was before.

I have heard information to the effect that the people are more courteous and they are more anxious to serve the patrons. The thing I have wondered about was whether that was temporary or permanent, whether or not these people being in there on a temporary basis, with their jobs more or less in jeopardy, desiring to please management, were not functioning better than they would later on. That is one of the things that I think is one of the imponderables in this.

Furthermore, it is my opinion that there will be a union, some union, in there.

Mr. FISHER. Yes.

Mr. STRONG. I doubt whether it will be in the interest of the patrons to have two or three unions contending. I have seen that kind of picture and it did not help service. So I have gone on the theory that there would be a union in these cafeterias.

Once these new people get in a union, then I wonder whether this same quality of service will continue or not. I have seen unions function so that they could get good service. I have had managements tell me if they did not have a union in their plant, they would have somebody come in and organize it. I have had others say just the reverse.

Mr. FISHER. It is your understanding, though, that as of this time the new arrangement with the temporary employees has provided more courteous and efficient service than they had prior thereto?

Mr. STRONG. I understand you can break the employees down into three classifications. You have the cooks and bakers. I have understood from management that it was conceded that the old people, with years of experience, were more efficient on cooking and baking than the new people within a couple of months. Then you have the general classification in which there is a large turn-over, bus boys, dishwashers and all that. I have understood that that did not present any great problem because there was a great turn-over there. That is not what they are greatly concerned about. It is on the steam tables where they meet the public that is where the management is of the opinion, No. 1, that it doesn't take a very long time to learn that, and second, that courtesy and the attitude of the employees is of great importance.

I understand there are about 180 people in that category. That is the one that management is most concerned about. I think that is the one GSI is most concerned about, because these people, GSI, are concerned with the service to the people in the departments.

Mr. FISHER. Is it provided in your draft of your proposed agreement that the present employees will be retained until they are replaced in an orderly way?

Mr. STRONG. That was my understanding, sir.

Mr. FISHER. In other words, until they themselves voluntarily quit.

Mr. STRONG. No; I didn't understand it that way. I understood it was going to be on the question of comparative efficiency, that if the old employees were more efficient than the new ones, they would replace the new ones.

Mr. FISHER. Who would determine that under the tentative agreement?

Mr. STRONG. I understood that initially management would determine that, that there probably would be a few cases, I understand

from Mr. Cross, and in those cases I would sit more or less as an arbitrator and review them.

Mr. FISHER. Assuming there should be a conflict or disagreement on whether employees should be discharged and replaced by one who went out on strike, who would make the final decision as to whether that person would be discharged under your tentative agreement.

Mr. STRONG. Under the proposal that was submitted, I would—

Mr. FISHER. Your capacity then would be a continuous one, indefinitely throughout the length of the agreement; is that correct?

Mr. STRONG. I reluctantly agreed to that. I am not enthusiastic about that. I would be very happy if that were not the situation.

Mr. HOFFMAN. If you would be very happy that that was not so, why do you not write in Mr. Ching or one of his men as conciliator?

Mr. STRONG. Because I didn't think there would be any chance to get the union to approve that.

Mr. FISHER. In the set-up you suggested there of having that determined by you as a mediator or negotiator, as it is called, whom would you represent there, Mr. Strong, the union or management?

Mr. STRONG. I would understand that I was not representing either one; that I was sitting as an arbitrator to try and decide the thing on the merits.

Mr. FISHER. Who would pay you? I am just wondering.

Mr. STRONG. I assume if I get paid in this thing at all, I will be paid by GSI. But I have had no understanding.

Mr. FISHER. Of course that is entirely a matter between you and GSI and the union.

Mr. STRONG. Ordinarily, in an arbitration case, the union and the company each pay half, and I understand they both insist on that because then they feel that the arbitrator looks to both of them and is more likely to be unbiased.

Mr. FISHER. As I understand, aside from the settlement of the difficulty, this would be a continuous thing.

Mr. STRONG. Just as long as this memorandum was in effect.

Mr. FISHER. How long would it be in effect?

Mr. STRONG. I don't know.

Mr. FISHER. Perhaps a year or two?

Mr. STRONG. Oh, no, sir; certainly not.

Mr. HOFFMAN. What events might happen, Mr. Fisher, to bring it to an end?

Mr. STRONG. I thought there was a possibility that the parties might enter into a contract at some future time when the union was in a position to form a contract in compliance with the Taft-Hartley Act. Because there is this present situation, I didn't understand that this was necessarily permanent. I was of the impression that management felt that they would have to deal with a union.

Mr. FISHER. Yes.

Mr. STRONG. And that if this union could be free of the international and their old people in it, they would probably be just as well off if not better off to deal with this union than to deal with some other union which, or two or three other unions, might come into the picture.

Mr. FISHER. Then the determining factor on the question of replacing the existing employees would be whether they were efficient or not, or more efficient than the one who sought the job who is now out on strike; is that correct?

Mr. STRONG. That was my understanding.

Mr. FISHER. Then if it should be determined that they are more efficient, then they would not be replaced, but otherwise they would?

Mr. STRONG. That was my idea.

Mr. FISHER. If there is a conflict on that point you would be the final determiner.

Mr. STRONG. I am not insisting on that, sir. That seemed to be the only way out of this thing. It had been understood rather early that I would have to take a certain amount of responsibility if this were going to be worked out, and I took the position if I was going to be held responsible, then I should have the power. I didn't want to be held responsible and not have the power, and I don't want to be held responsible now, and I won't accept the responsibility, without power.

In other words, I refuse to be made the goat in this thing any more than is absolutely necessary.

Mr. FISHER. The proposal, then, made or tentatively arrived at, which was discussed last Saturday that the present employees would be retained until they should be replaced in the regular turn-over had been abandoned and there substituted for that the proposal that would be placed upon the question of efficiency and you be the final determiner.

Mr. STRONG. We had this problem. I was told by the representatives of the striking employees that once the picket lines are discontinued their sources of income will stop and the people who don't get to work will be in rather destitute circumstances. One of the things that disturbed me in this whole thing was that we will have possible conflicts between old and new employees, possible conflicts between those who struck and those members of the union who did not strike.

We will have a lot of pressure by those who don't get jobs quickly to get them, a lot of pressure by those who lost their jobs.

I was very much disturbed about how the cafeterias are going to function and do the job they are going to do.

I felt that somebody would have to have the power to take action, including disciplinary action, if there was any trouble.

Mr. FISHER. Do you have any information as to how many of those who are out on strike want their jobs back or how many of them have secured different employment?

Mr. STRONG. I have received three estimates. That was one of the questions that arose right in the beginning, because if there were just a few hundred it would be a rather simple problem. As I understand it, in this particular line of work, restaurant work, there is quite a high turn-over normally.

I have understood it is in excess of 15 percent in this area just as a normal matter. Then with the employment of a great many new people you can expect that turn-over to be greater.

So, if we had a problem of a thousand people, which is about the number I understand went out on strike, that was one thing. If we had a problem of 700, that was another thing; if we had a problem of 500, that was still a third.

I tried to get information on that. I asked Mr. Palmer, of the union, for that, and he first estimated it at 1,100. Then he came up with a 1,200 estimate. In the meantime, I had checked with the USES. They told me they thought their best guess, based on their experience, and

they had contacts with people who come in for referrals, some had indicated they were fed up with both GSI management and the union and indicated they would not come back under any circumstances.

I think the last definite check they said out of 15, 3 said they would go back and the other 12 said they would not. They thought probably there would be between 50 and 60 percent that would want to come back.

However, I kept asking the union about that, and the last figure I did get from Mr. Palmer was somewhere above 900.

Mr. FISHER. Assuming that the normal turn-over is 15 percent per month, the strike has been going on nearly $2\frac{1}{2}$ months; that would run it up around 40 percent, would it not?

Mr. STRONG. I don't know. I think there have been replacements. As a matter of fact, when I first got into the matter, back on the 15th of February, this past February, I asked GSI either on the 16th or 17th to withhold hiring so far as they could compatible with keeping service and keeping going. They have done that. So I think there has been a backlog built up. They could tell you better than I, but I think it has been running 20 or 25 a day, something like that. As I understand from them, they have about reached the end of their rope. They have to go in for quite extensive hiring if they are going to keep up service.

To answer your question, I have not been able to get any figure that I felt I was safe in relying upon.

Mr. FISHER. That is all, Mr. Chairman.

Mr. HOFFMAN. Mr. Smith?

Mr. SMITH. Do you think you can arbitrate the matter of efficient, courteous service?

Mr. STRONG. I discussed that with Mr. Cross. I am willing to admit that to be an awfully tough thing to do, particularly, as here, I don't believe I could give as much weight to what supervision told me, as you normally can in an arbitration case.

Mr. SMITH. Do you not think that is within the province of management?

Mr. STRONG. That is ordinary managerial prerogative; yes, sir.

Mr. SMITH. We have a situation where if we start sticking that in contracts are we not just laying ourselves wide open?

Mr. STRONG. I would say that it should be done very rarely.

Mr. SMITH. When you were out talking to the union what was the position that Mr. Bernstein took as a negotiator? Was he there as—

Mr. STRONG. I have never talked to the union, sir. I just talked to the negotiating committee.

Mr. SMITH. Let us get it down to the negotiating committee. You said that Palmer and Bernstein were there?

Mr. STRONG. Other members of the committee were there.

Mr. SMITH. How many were there?

Mr. STRONG. I think five or six others. A Mrs. Randolph was there, who was vice president at one time, and then I think acting president. I can remember her name.

Mr. SMITH. Has anybody out there at that time that you have been with the union committee indicated they were the acting president of the union?

Mr. STRONG. Mrs. Randolph told me she was acting president.

Mr. SMITH. She has been there all the time?

Mr. STRONG. Yes; she was a steward in one of the departments, sir, one of the cafeterias.

Mr. SMITH. When you are out there before this committee, and Mr. Bernstein has been there, as you say, what is his position there? Is he the one that just gives them legal advice, or does he enter into all the discussions of this contract?

Mr. STRONG. I think he has a great deal to say in what is done. I think they look to him as a sort of top-flight negotiator. He is there. I know that I wanted a provision in here that I took from the Taft-Hartley Act on grievances, and one of the stewards raised a question on that because it was different from the practice they had had in the past. Mr. Bernstein said, "I agree that that is what the Taft-Hartley Act requires."

Then there was some talk that it should not be in a memorandum, and I said, "No, that is going to be in the memorandum as far as I am concerned."

Mr. SMITH. Then in all these talks with the union committee, Bernstein is the dominant force in that committee?

Mr. STRONG. I would say he is the one they look to; yes, sir.

Mr. SMITH. You would say there have not been many legal problems present themselves in your dealing with the union?

Mr. STRONG. Not in discussion with the union. There are legal problems in this.

Mr. SMITH. I mean in your discussion with the union group, there have not been many legal problems, have there?

Mr. STRONG. Not many, sir. I have discussed some of the legal problems with Mr. Bernstein.

Mr. SMITH. Do you not think, Mr. Strong, as a lawyer and as a citizen, that we are engaging in a very strange practice here when the Congress appropriates money, millions of dollars, for the Conciliation and Arbitration Service, and then a group is made to bypass that Service and start saddling the expense of all these negotiations on the employer?

Mr. STRONG. As I understand the Taft-Hartley Act—I can be entirely wrong—the idea is to encourage collective bargaining between the employer and the representatives of the employees, and the resort to Mr. Ching's Service is supposed to be in rather rare and unusual cases. I think there is language in there that indicates it has to be a rather important matter. It has to affect the interstate commerce. And it has to be one that the State or local conciliation service cannot handle. That is my recollection of it.

I always understood that there was no requirement that collective bargaining between the employer and employee had to be through or with Mr. Ching's Service excepting in very important matters. I think there is a provision in there—

Mr. SMITH. Is it not logical to assume that when the executive department of our Government does as it has done in this case, it is a bad precedent to set up in this country?

Mr. STRONG. As I understood it, I just read it in the papers, Mr. Ching's Service refused to come into this.

Mr. SMITH. But the point is that here we are going to burden management or the employer with an arbitrator.

Mr. STRONG. It is going on all the time. Some companies have a permanent arbitrator. The General Motors has a permanent um-

pire. The Chrysler Motor Co. has a permanent umpire. I think the Steel Corp. has a permanent umpire.

I believe in the umpire and arbitration system. I think it will save the country money and the companies money and will result in better labor relations. I think it has been the experience where they have had them that it has resulted in better labor relations.

Mr. SMITH. That is what you are trying to do here in these paragraphs where they refer all these matters to you?

Mr. STRONG. This was an act of desperation. I wanted to get this thing settled. I would be very glad to have somebody else be the arbitrator and take over this.

Mr. HOFFMAN. Have you tried to get anybody else?

Mr. STRONG. I haven't. That is not my prerogative or duty.

Mr. HOFFMAN. I thought as long as it was so burdensome and so distasteful to you, maybe you thought of somebody else who might take it.

Mr. STRONG. I appreciate that sarcasm.

Mr. HOFFMAN. That is just a helpful suggestion.

Mr. STRONG. Thank you very much.

Mr. HOFFMAN. I might also suggest, if you want suggestions, maybe Mr. Ching would loan you one of his professional conciliators who is paid by the Government. Pardon me, go ahead, Mr. Smith.

Mr. STRONG. I am willing to carry that suggestion out. I will be glad to contact Mr. Ching and see if he will assign a conciliator to this. I will do that.

Mr. HOFFMAN. Not assign one to you.

Mr. STRONG. I didn't assign one to me. I said to this. I will be very glad to have Mr. Ching do that.

Mr. HOFFMAN. Anything more?

Mr. STRONG. I will carry that out today. The moment I can get in touch with him.

Mr. HOFFMAN. Under title 2, section 210 (a) the Congress desired that:

It is the policy of the United States that: (a) Sound and stable industrial peace and the advancement of the general welfare, health, and safety of the Nation and the best interests of the employers and employees can most satisfactorily be secured by the settlement of issues between employers and employees through the processes of conference and collective bargaining between employers and representatives of their employees.

(b) The settlement of issues between employers and employees through collective bargaining may be advanced by making available full and adequate governmental facilities for conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach—

and so on.

You understood that policy of Congress, did you not?

Mr. STRONG. It says "may." It does not say "must." I don't think the Taft-Hartley Act is an exclusive labor law to control the procedure of collective bargaining and the process of collective bargaining in the United States. I think it is intended to be an aid, but not the only one.

Mr. HOFFMAN. That is correct. There is no argument about that. So far as I know, before this committee there never has been any argument about it.

You understood the President had stated in his message to Congress that he proposed to attempt to enforce and go along with the Taft-Hartley Act, did you not?

Mr. STRONG. I read that in the paper. I never saw it in any message.

Mr. HOFFMAN. In your negotiations with the union or in your conferences, rather, with the union, whichever it may be, did you ever advise them that they could compel the employer to bargain with them if the union complied with the provisions of the Taft-Hartley Act?

Mr. STRONG. I think I did discuss that. One of the first questions I asked was whether or not the international was to sign the non-Communist affidavits.

Mr. HOFFMAN. And you learned that it would not?

Mr. STRONG. The answer was no, but the local men signed them.

Mr. HOFFMAN. Did you ever suggest to the local union that if it and the parent union complied with the provisions, they probably could force the GSI to a settlement?

Mr. STRONG. I don't know that I said that in so many words. That was understood—they, the GSI, would have to negotiate under the Taft-Hartley Act or be guilty of an unfair labor practice if both the international and the local signed the affidavit. The trouble is, the question of how can the local, which is the tail, wag the dog, which is the international, and get it to do what it does not choose to do? I understand there are about 1,500—

Mr. HOFFMAN. The local at all times has authority to disassociate itself from the national, has it not?

Mr. STRONG. I asked about that, and I never got any reply.

Mr. HOFFMAN. It is true, is it not, that the members of local 471 may, if they wish, withdraw from 471 and form a new union of the same kind that is not associated with the national. That is true, is it not? It does not take a long lecture on that. It is true or it is not true.

Mr. STRONG. I would like to explain that, if I may, sir.

Mr. HOFFMAN. I know.

Mr. STRONG. I will agree with your answer. I think you know what I am going to say.

Mr. HOFFMAN. I haven't the slightest idea what you are going to say.

Mr. STRONG. I say that these people in this local think that the future of the union is at stake, that they have been in this union, some of them, for all the 10 years it has been in existence. They think this is a union-busting procedure. With them it is a matter of trying to protect what they have built up over a period of 10 years. I think they have that feeling.

Mr. HOFFMAN. We have had that explanation two or three times before. I assume that is so. My question is this: There is nothing to prevent the present members of local 471 withdrawing from that union forthwith and standing together and establishing another union which is not associated with the organization of which Flaxer is president? That is true, is it not?

Mr. STRONG. I don't know whether it is or not.

Mr. HOFFMAN. Do you as a lawyer say you do not know?

Mr. STRONG. I just do not know. I do not know what kind of tie-in there is or what kind of procedure they have. I have not seen the constitution.

Mr. HOFFMAN. In all these negotiations you have known and you know now, do you not, that one of the things which has stood in the way of a settlement of this strike has been the refusal of the national organization's officers to sign this anti-Communist affidavit?

Mr. STRONG. Well——

Mr. HOFFMAN. You know that much about it; do you not, sir?

Mr. STRONG. I have understood that that was the excuse that was given by management.

Mr. HOFFMAN. Would you wait a moment? You refer to that as an excuse.

Mr. STRONG. I think management was fed up with this union, and they didn't want to negotiate with them.

Mr. HOFFMAN. With this local.

Mr. STRONG. That is right.

Mr. HOFFMAN. And that they are using the other as an excuse.

Mr. STRONG. I say that was the reason they gave for it.

Mr. HOFFMAN. The members of the local, if your contention as to the attitude is correct, can thwart that effort by withdrawing from this present local, forming another and calling it, if they want to, 471-A, and then if they comply with the Taft-Hartley Act, they can force the GSI to bargain, can they not?

Mr. STRONG. I don't know where they would be.

Mr. HOFFMAN. Just answer my question.

Can they or can they not, or do you not know?

Mr. STRONG. I don't know whether they can or not. With these new employees in there, if they abandon this strike——

Mr. HOFFMAN. Do not talk all the time. Answer my question and then quit.

Mr. STRONG. All right, sir. I said if they abandon this strike, then they cease to be employees.

Mr. HOFFMAN. Yes.

Mr. STRONG. If they try to form a new local, a new union, I am not sure then what their status would be.

Mr. HOFFMAN. That is to say, not being employees, they would not have any status?

Mr. STRONG. That is what I am afraid of.

Mr. HOFFMAN. Then the only other remedy for them is to disavow and to become disassociated with the national?

Mr. STRONG. Yes.

Mr. HOFFMAN. If they did that, then they would be in a position to force GSI to bargain.

Mr. STRONG. I am inclined to think they would. Of course, they would run the risk of——

Mr. HOFFMAN. Of a vote.

Mr. STRONG. Well——

Mr. HOFFMAN. Have you ever suggested to the members of the local that they do that very thing?

Mr. STRONG. No; I did not; and I will tell you why, if I may.

I came in this picture and I had never met any of them. There was no reason that they should have any faith in me.

The only hope I had to work anything out here——

Mr. HOFFMAN. Do you think they have any faith in you?

Mr. STRONG. I don't know whether they have or not. Certainly, though, if I were to make unreasonable demands or what they would

think unreasonable, my usefulness would have been at an end right at the start.

Whether you believe it or not, I did want to work out a settlement.

Mr. HOFFMAN. I do not doubt that.

Mr. STRONG. I haven't had too much help. I don't mind admitting that, either.

Mr. HOFFMAN. What is that?

Mr. STRONG. I haven't had too much help in effecting a settlement.

Mr. HOFFMAN. It might just barely be possible that you are off on the wrong track.

Mr. STRONG. That could be.

Mr. HOFFMAN. And if you would get back and go along with the purpose of Congress, which was to eliminate the Communists from the union organizations and try to get in under the Taft-Hartley Act, you might get a lot of help.

Mr. STRONG. As I told you, the mere signing of affidavits doesn't eliminate Communists from these unions.

Mr. HOFFMAN. We know about that. But whether it is right or wrong, it was the opinion of the Congress that it would be helpful. That opinion you choose to disregard.

Mr. STRONG. It was my experience when I first came in contact with Commy unions in the early states of the war that all of them were not Communists.

Mr. HOFFMAN. We went over that the other day, I believe.

Mr. STRONG. You are not interested in that.

Mr. HOFFMAN. No; I am not.

Mr. STRONG. All right, sir.

Mr. HOFFMAN. I am interested in whether or not you are establishing here, with the aid of the administration, a policy which, when these strikes come up, as they may—we have one, I think, for the 15th of March in the packers' industry, and some are hinted at in automobile and steel—where they would be unions on the one side whose officers have refused to comply with the Taft-Hartley Act, they will have a precedent.

So, instead of going to the National Labor Relations Board and using the Taft-Hartley Act, they can come to the White House and get a mediator appointed, and so take the dispute entirely out from under the congressional provisions.

Mr. STRONG. Is it your idea to that point that we should have a strike in steel and coal this year?

Mr. HOFFMAN. No, sir; I do not think there should be any strikes.

Mr. STRONG. Don't you think all of us as good citizens ought to try to work so there won't be such a strike?

Mr. HOFFMAN. That is right, and you should try to work under the procedure established by the Congress, which was devised to prevent strikes insofar as it could.

We wrote a whole title in the Taft-Hartley Act, title 2, for that very purpose.

Now, we find you, under the direction of the administration, coming along with another procedure outside of that act, which gives encouragement, in my opinion at least, to these other unions to strike and say "we don't have to comply."

You know that some of these unions——

Mr. STRONG. I have never understood that the mere employment of a negotiator or mediator did anything except to help the settlement of strikes, and I have always understood that both management and labor were there free to pick whomsoever they chose to help them arrive at agreements.

Mr. HOFFMAN. That is right, and they are also free, if they want to, to disregard the Taft-Hartley Act, but I thought that, inasmuch as the Congress had passed it and as the President had said, at least twice, that he was going to enforce it, it was not an aid to the enforcement of the act to appoint one outside mediator instead of using the act.

That was the point. You know, do you not?

Mr. STRONG. I have been serving as an arbitrator of these ever since I got out of the Army, paid by both parties.

Mr. HOFFMAN. You dragged the Army in several times. We are not interested in that; we are right on this present question.

I am asking you: You know that there are one or two unions with hundreds of thousands of members whose officers have not signed the anti-Communist affidavits, do you not?

Mr. STRONG. That is right. The steel and coal, to mention two.

Mr. HOFFMAN. And you know that there is some intimation in the press that sometime along between now and the summer there is going to be a demand for wage increase and the possibility of a strike?

Mr. STRONG. That is right.

Mr. HOFFMAN. So with that in the picture coming up, one of the things that some of us are worried about is whether or not the President is actually trying to put the Taft-Hartley Act into use, trying it out to see whether it will work, or whether he is furnishing an excuse or a reason, if you prefer, for these larger unions, if and when they go on strike, to refuse to accept the mediation services under the Taft-Hartley Act, and ask for a mediator and get one, as this union has in this case.

Mr. STRONG. Is it your idea, sir, that if the steel union, for instance, is unwilling to sign that Taft-Hartley Act, and I don't believe Congress would compel them to sign it—

Mr. HOFFMAN. That is right, we cannot.

Mr. STRONG. That we should have a strike rather than resort to some other means of settlement than the use of the Federal mediation services, and the National Relations Board?

Mr. HOFFMAN. If management and the union can, by arbitration or conciliation, settle it, fine.

That is wonderful; that is good. But if, instead of letting the Taft-Hartley Act be used, the President appoints a special mediator in those strikes, and so bypasses the act and encourages Mr. Murray and whoever may be at the head of the other unions you have mentioned to refuse to sign the affidavits, then I say he is not attempting to carry out his duty in enforcing the law.

Mr. STRONG. So far as I know, the President hasn't appointed me in this matter. I have had no contact with the President.

Mr. HOFFMAN. Who did appoint you, anyway? You did not, like Topsy, "just grow up."

You must have had some start, somewhere.

Mr. STRONG. Mr. Cross contacted me, as I recall, on the night of the 14th, and said he wanted me to have a meeting with the general—with General Grant.

Mr. HOFFMAN. Before that you had heard from Mr. Gibson, had you not?

Mr. STRONG. Mr. Gibson asked me if I would be willing to serve in this matter.

Mr. HOFFMAN. Did you ever think that, without a suggestion from the Labor Department, Cross would have called you?

Mr. STRONG. I don't know. All I know is that was the first time I knew of it.

I didn't know I was in the picture. He called me. He is attorney for GSI, and wanted to have a conference in my office the next day.

He said that I had been suggested to him. They wanted to talk to me.

Mr. SMITH. Now——

Mr. STRONG. I might say I met with them down there, and they told me I was acceptable to them as negotiator in this matter.

Mr. SMITH. Your statement now, what you have just said, gives the impression that the first time you knew about being arbitrator was when Cross called you; is that not true?

Mr. STRONG. Then I am very inept in my use of words. Mr. Gibson asked me if I could serve if I could take the time. I asked him how long it would take. He said he didn't think it would take very long.

I said, "O. K." He said there were other people under consideration. That was the end of the conversation. That was over the telephone.

I thought no more of it. That was Friday night. Saturday night I was at the club. Mr. Cross called me. I said I don't know that I am in this thing. He said, "We want to have this conference with you."

So I had the conference, and in the course of the conference I asked, "What am I supposed to do? What are my duties?"

They said, "We understand you are to function in the nature of a conciliator. They said—I understood that General Fleming was going to be there, but he wasn't there, so I called General Fleming, and he told me, "You are to work this thing out, help work this thing out."

I understood definitely and specifically that I was accepted by GSI, and I have understood that all the way through this.

Mr. SMITH. There has not been any doubt in your mind from the time you started this that all this started from the White House; has there?

Mr. STRONG. Yes; there has been doubt about it. How would I know where it started out? I haven't had any contact with the White House whatever.

Mr. HOFFMAN. Did you not hear the testimony of General Fleming that he was called over to the White House and Steelman and Schwel-lenbach were there, and they talked about a negotiator?

Mr. STRONG. I wasn't present.

Mr. HOFFMAN. Do you mean to tell us that in your opinion the move to arbitrate or to have a mediator, whatever you want to call him, mediator or conciliator, arose in GSI?

Mr. STRONG. I don't know.

Mr. HOFFMAN. Do you believe it did?

Mr. STRONG. I don't know, sir.

Mr. HOFFMAN. Have you no opinion about it?

MR. STRONG. I am not going to express an opinion about something I don't know anything about. I don't know anything about the negotiations.

MR. HOFFMAN. I will ask you another question. You answer that one:

Is it your opinion that you were the choice of GSI for mediator and conciliator?

MR. STRONG. Yes.

MR. HOFFMAN. You say that is your honest opinion; is that right?

MR. STRONG. That is right. It was my understanding that they had agreed to my being the negotiator and conciliator in this case.

MR. HOFFMAN. They agreed to it; but they agreed to it, did they not, after Mr. Gibson in the Department of Labor called you?

MR. STRONG. I don't know this.

MR. HOFFMAN. Wait a minute. Just answer that question.

They agreed to it after Mr. Gibson had called you, did they not?

MR. STRONG. I don't know.

MR. HOFFMAN. You do, too; you testified to it here before.

MR. STRONG. I don't know when they agreed to it.

MR. CHAIRMAN. All I know is I was called Friday night and asked if I would accept it. Saturday night I get this call from——

MR. HOFFMAN. When you were here before you said in answer to my question the first you knew was when Mr. Gibson called you.

MR. STRONG. The first I knew I was under discussion I don't know when they entered into any agreement or discussion of me. Nobody told me about it.

MR. HOFFMAN. In this meeting you had Thursday, was that at night or in the afternoon?

MR. STRONG. That started somewhere around after 5 o'clock, and ran pretty nearly to 11 o'clock. I went out.

MR. HOFFMAN. The meeting of the managers and supervisors and assistant managers of all the GSI cafeterias.

MR. STRONG. At the first one—they had two—the first was with supervisors and the second with the GSI board.

I wasn't there all the time. I went out and then they called me in. I would be in there for a little while and then I left. They would call me in again.

MR. HOFFMAN. You heard General Grant tell the managers that the striking employees were to be taken back as rapidly as possible, did you not?

MR. STRONG. I am not sure about that. I think he said something like that.

MR. HOFFMAN. And that every vacancy was going to be filled from a list of the strikers, every vacancy for any reason. You heard that, did you not?

MR. STRONG. I am not sure, but what he said that before I came in.

MR. HOFFMAN. Did you hear it or did you not?

MR. STRONG. I am not sure about that, sir.

MR. HOFFMAN. Did he express that in a very emphatic manner?

MR. STRONG. I said I am not sure about that.

MR. HOFFMAN. Did he not also say that if there was any discrimination of any nature whatsoever on the part of any manager or supervisor toward any one of the strikers there employed, the manager would be instantly and summarily fired?

Mr. STRONG. I don't recall that. I don't believe that was said in my presence.

Mr. HOFFMAN. Did you tell General Grant or intimate to him, either one, that they would either have to make a contract with the strikers' union or that the contract would be canceled?

Mr. STRONG. No, sir; I did not.

Mr. HOFFMAN. Was there anything said there about opening the closed cafeterias?

Mr. STRONG. Where was this?

Mr. HOFFMAN. Thursday.

Mr. STRONG. Oh, yes; there has been right along.

Mr. HOFFMAN. Was there anything said at that meeting Thursday about Langston Hall?

Mr. STRONG. I am not sure. That had been discussed before.

Mr. HOFFMAN. Was it not discussed Thursday; is that right?

Mr. STRONG. I am not sure about that.

Mr. HOFFMAN. It was to be reopened and only strikers employed?

Mr. STRONG. I don't recall that was said, specifically, or not.

Mr. HOFFMAN. That is a cafeteria in a Negro residential housing development; is not that correct?

Mr. STRONG. I don't know.

Mr. HOFFMAN. It has no association with Government, anyway; has it?

Mr. STRONG. I don't know, sir.

Mr. HOFFMAN. Under this proposed memorandum that you have here, if that was accepted, you would be the supervising officer?

Mr. STRONG. Under memorandum 3, yes.

Mr. HOFFMAN. That is right; is it not?

Mr. STRONG. Yes.

Mr. HOFFMAN. Instead of having a conciliator, as they would have if they used the Taft-Hartley Act, one of the Government services paid for by the Government, they would have you; would they not?

Mr. STRONG. They would be something functioning in the nature of an arbitrator, and that suggestion didn't come from me originally.

Mr. HOFFMAN. No, but you would be getting a position out of it; would you not?

Mr. STRONG. I would be very glad not to have the position.

Mr. HOFFMAN. I know you would. It is a worth-while public service that you are rendering here. That is all right.

Mr. STRONG. So far as that is concerned, that has been all I received; a lot of abuse from this committee, and I have not had a nickle out of this except two, just two lunches at the expense of Mr. Cross, I think. I have had two or three lunches at his expense.

Mr. HOFFMAN. As well as one or two mistatements by you to the press about the committee's interference.

Mr. STRONG. I don't think I have made any misstatements to the press about the committee's interference.

Mr. HOFFMAN. I do.

I tell you right here and now, as far as I am concerned, the committee is going to continue to interfere with your efforts to bypass the law.

Mr. STRONG. I don't question your right to do that, sir.

Mr. HOFFMAN. I notice here in one of these paragraphs:

However, the final step in the grievance procedure shall be the award of George E. Strong, which shall be binding on both the employer and employee, and any union or group which may participate in such proceedings.

Do you think that the public generally or GSI would like that sort of provision when they know that you are willing to sit down at the council table with people who refuse to deny that they are affiliated with organizations which advocate the overthrow of the Government by force?

Mr. STRONG. I understood they were perfectly agreeable with that, and was designed to take care of the disciplinary problem that we anticipated we might have.

I understood that they wanted that.

Mr. HOFFMAN. You can understand how some Members of Congress, yielding to the desires of their constituents, having written this Taft-Hartley Act, would be quite loath to approve of a conciliator for settling a strike in which the Government was interested, and negotiating with people who refused to deny that they were interested in organizations which advocated the overthrow of the Government by force?

You can understand that; can you not?

Mr. STRONG. I don't know what your constituents think.

Mr. HOFFMAN. I can tell you what they think. They want none of the Communists, and they do not like them any better whether they are in Washington in the administration or whether—

Mr. STRONG. I think you have Communists out in Michigan. I think you have about as many Communists out in Michigan as any other place in the country.

Mr. HOFFMAN. Of course, that is your opinion.

Mr. STRONG. I had contact with them out there.

Mr. HOFFMAN. Oh; they were your associates, were they?

Mr. STRONG. They were not.

Mr. HOFFMAN. How did you have contact with them?

Mr. STRONG. Mr. Browder made a speech about me on January 12, 1943, in which he denounced me for my activities in removing Communists from plants in Detroit.

Mr. HOFFMAN. That is why it is difficult for me to understand why you are now willing to associate with those who do not deny their association with those organizations.

Mr. STRONG. I am not associating with them.

Mr. HOFFMAN. You are bargaining with a couple of them.

Mr. STRONG. I don't know that I am bargaining with any Communists.

Mr. HOFFMAN. You have been told you have.

Mr. STRONG. I have not been told.

Mr. HOFFMAN. I am telling you now, and the record shows it.

Mr. STRONG. Who are the Communists with whom I am bargaining?

Mr. HOFFMAN. I did not say with Communists. I said you are associating with people who are charged with being affiliated with organizations which are Communist.

Mr. STRONG. If you mean by—

Mr. HOFFMAN. I mean Bernstein; I mean Flaxer; I mean Bancroft.

Mr. STRONG. If you call that association, of course, you have a right to put your own interpretation on it. I do not call it association.

Mr. HOFFMAN. You sit down and bargain with them.

Mr. STRONG. As I get the import of all this questioning, you are trying to force me out of this situation. Is that right?

Mr. HOFFMAN. I am not trying to do anything. As I told you before, that is a question for the administration. What I am trying to do is to make it clear.

Mr. STRONG. I think it is also a question of having GSI—

Mr. HOFFMAN. What I am trying to do, if you want to know, is to make it possible for GSI to function under the Taft-Hartley Act, the law which Congress wrote, and to prevent GSI or any other employer being forced by administrative procedure to bargain with those who have been charged with being Communists and who do not deny it. Not being Communists, but being associated with Communist organizations and refusing to deny it. Is that clear?

Mr. STRONG. Why does not Congress pass a law to that effect?

Mr. HOFFMAN. To what effect?

Mr. STRONG. Just what you said.

Mr. HOFFMAN. We did. You are bypassing it.

Mr. STRONG. If I am violating the law, why am I not indicted?

Mr. HOFFMAN. You are not violating any law. You are taking advantage of a situation which enables you to bypass a law.

Mr. STRONG. I would like to know wherein I am bypassing the Taft-Hartley Act. I would like to have you call attention to any specific provision of that act.

Mr. HOFFMAN. If you will just wait a minute, I will. The Taft-Hartley Act provides for a Conciliation Service. You do not choose to use it, as is your legal right, and you sit down at the table—

Mr. STRONG. You say, "You don't choose."

Mr. HOFFMAN. Will you wait until I get through, please?

Mr. STRONG. I beg your pardon, sir.

Mr. HOFFMAN. You sit down at the table and bargain and call in GSI to bargain with these fellows, who will not deny, etc., the rest of it. That is how you get in with them. I propose to use every bit of energy and power that I may have to prevent an employer being forced to bargain with people who will not deny that they are Communists or affiliated with those organizations which advocate the overthrow of the Government by force. I guess we have it clear on the record now.

Mr. STRONG. I understand.

Mr. HOFFMAN. That is all I care to ask.

Where is proposal No. 4? Let me see that.

Mr. STRONG. Yes, sir.

Mr. HOFFMAN. We will copy these into the record and let you have them back.

Mr. STRONG. They are not mine, sir.

(Memorandum No. 3 and Memorandum No. 4 were marked respectively "Exhibits Nos. 6-A and 6-B," and are as follows:)

EXHIBIT No. 6-A—MEMORANDUM No. 3

1. Cafeteria production and service workers on the pay rolls December 31, 1947, are to be returned to work as speedily as possible consistent with the efficient operation of the cafeterias, and with full seniority, and without discrimination between employees on the rolls December 31, 1947, and those employed since that

date; provided they report for work within 3 days from the date of notification by GSI management.

2. All picket lines are to be withdrawn immediately this is signed.

3. GSI is to resume operation in all units which were in operation the last of December 1947, as speedily as possible.

4. The GSI guaranty of January 6, 1948, to all production and service workers shall apply to all employees as soon as they return to work.

5. Grievances will be handled as in the past, except that any individual employee or group of employees shall have the right at any time to present grievances to GSI management and to have such grievances as are meritorious adjusted, with or without the intervention of any representative of a union, so long as the adjustment is not inconsistent with this memorandum and such representative has been given an opportunity to be present at such adjustment. However, the final step in the grievance procedure shall be the award of George E. Strong which shall be binding on both employer and employee and any union or group which may participate in such procedure.

6. The existing wage scale will remain in effect throughout 1948, as will fringe benefits such as vacations, sick leave, etc.

7. There will be negotiated an agreement which shall replace this memorandum and which will contain provisions designed to assure good labor relations as well as uninterrupted, efficient, speedy, and courteous service to the patrons of the cafeterias. It is understood that the approval of this memorandum does not obligate GSI to sign such an agreement.

8. GSI agrees to deduct and pay over to local union all union membership dues from the wages of all production and service employees who execute a written authorization of assignment, which authorization must be received by GSI management before the 12th day of the month when such deductions start. This authorization once given shall be irrevocable for a period of 1 year and thereafter shall be revocable whenever the employee gives written notice of revocation to GSI management.

9. There shall be no strikes, slow-downs, or work stoppages so long as this memorandum shall be in effect and George E. Strong shall be either negotiator, or administrator of this memorandum, with power to adjust the return to work and decide questions between old employees and those employed since December 31, 1947, or any disputes between employees singly or in groups as well as to interpret this memorandum. Such power is expressly recognized, granted, and approved.

EXHIBIT No. 6-B—MEMORANDUM No. 4

1. Cafeteria production and service workers on the pay rolls December 31, 1947, are to be returned to work as speedily as possible consistent with the efficient operation of the cafeterias; and with full seniority, and without discrimination between employees on the rolls December 31, 1947, and those employed since that date; provided they report for work within three working days from the date of notification by GSI management.

2. All picket lines are to be withdrawn immediately.

3. GSI is to resume operation in all units which were in operation the last of December 1947 as speedily as possible.

4. The GSI guaranty of January 6, 1948, to all production and service workers shall apply to all employees as soon as they return to work.

5. Grievances will be handled as in the past, except that any individual employee or group of employees shall have the right at any time to present grievances to GSI management and to have such grievances as are meritorious adjusted, with or without the intervention of any representative of a union, so long as the adjustment is not inconsistent with this memorandum and such representative has been given an opportunity to be present at such adjustment. However, the final step in the grievance procedure shall be the award of George E. Strong which shall be binding on both employer and employee and any union or group which may participate in such procedure.

6. The existing wage scale will remain in effect throughout 1948, as will fringe benefits such as vacations, sick leave, etc.

7. There will be discussed an agreement designed to assure good labor relations, as well as uninterrupted, efficient, speedy, and courteous service to the patrons of the cafeterias. It is understood that the approval of this memorandum does not obligate GSI to negotiate or sign such an agreement.

8. GSI agrees to deduct and pay over to local union all union membership dues from the wages of all production and service employees who execute a written authorization of assignment, which authorization must be received by GSI management before the 12th day of the month when such deductions start. This authorization once given shall be irrevocable for a period of 1-year and thereafter shall be revocable whenever the employee gives written notice of revocation to GSI management.

9. There shall be no strikes, slow-downs, or work stoppages so long as this memorandum shall be in effect and George E. Strong shall be either negotiator, or administrator, of this memorandum, with power to adjust the return to work and decide questions between old employees and those employed since December 31, 1947, or any disputes between employees singly or in groups as well as to interpret this memorandum except that any dispute arising out of determination of the relative efficiency of employees on the rolls prior to December 31, and those employed since that date shall be submitted to an arbitrator or arbitrators from the American Arbitration Association. Such power is expressly recognized, granted, and approved.

MARCH 4, 1948—as revised.

Mr. HOFFMAN. Where does No. 4 come into the deal?

Mr. STRONG. I understand No. 4 is what GSI was willing to agree to.

Mr. HOFFMAN. Did No. 4 come before No. 3 in point of time?

Mr. STRONG. No. 4 came after No. 3. That was the net result of the conference on Thursday.

Mr. HOFFMAN. That is to say, as I get it then, GSI did not agree to No. 3.

Mr. STRONG. That is right, sir.

Mr. HOFFMAN. Did the union agree to No. 3?

Mr. STRONG. Yes, sir.

Mr. HOFFMAN. Did GSI come back with No. 4?

Mr. STRONG. Yes, sir.

Mr. HOFFMAN. Did the union agree to that?

Mr. STRONG. The union was willing to agree, if I may point this out to you, to the changes in paragraph No. 7. They were not willing to agree to the submission of these questions to an arbitrator from the American Arbitration Association. They stated the reason that it would merely drag this thing out while other people tried to get familiar with it.

Mr. HOFFMAN. Paragraph 7 in No. 3 provided that there will be negotiated an agreement which was to replace this memorandum, and then it concluded with the sentence:

It is understood that the approval of this memorandum does not obligate GSI to sign such an agreement.

Mr. STRONG. The union was agreeable to that and to changing the word from "negotiating" to—I think the only effect of 3 to 4, if I may explain it, is that instead of saying they will be negotiated, the language is "there will be discussed an agreement," rather than "negotiated."

Mr. HOFFMAN. That did not mean anything, did it?

Mr. STRONG. I didn't think it did.

Mr. HOFFMAN. Except talk?

Mr. STRONG. That is all I thought it was.

Mr. HOFFMAN. That is to say, the union would not agree to negotiate an agreement, but it would agree to discuss one.

Mr. STRONG. They would agree to negotiate, but GSI did not want to be in the position of agreeing to negotiate.

Mr. HOFFMAN. Wait a minute. In No. 3 it says, "There will be negotiated an agreement."

Mr. STRONG. Yes, sir. The union was agreeable to sign that.

Mr. HOFFMAN. You said GSI was agreeable?

Mr. STRONG. No. GSI wanted it changed to—

Mr. HOFFMAN. Did you not say GSI agreed to No. 3?

Mr. STRONG. No, sir. Agreed to No. 4.

Mr. HOFFMAN. Then GSI never agreed to No. 3?

Mr. STRONG. That is right, sir.

Mr. HOFFMAN. But the union did.

Mr. STRONG. Yes, sir. Then No. 4 came along, and we changed "there will be negotiated" to "there will be discussed"; the union agreed to that.

Mr. HOFFMAN. The union agreed to talk.

Mr. STRONG. First it was to be negotiated. They agreed to that. Then GSI wanted it changed to "there will be discussed" and the union agreed to that.

Mr. HOFFMAN. And the GSI agreed that the approval of it did not bind them?

Mr. STRONG. That was in No. 3, too. The union agreed to that.

Mr. HOFFMAN. That is to say, under both 3 and 4, GSI only agreed that it would not negotiate or sign.

Mr. STRONG. That is right. That was understood all along.

Mr. HOFFMAN. Seven does not mean a thing, does it, except talk?

Mr. STRONG. I don't think the changes amount to very much, but Mr. Cross probably would disagree with me.

Mr. HOFFMAN. Then, do you know in 9 of No. 4, it reads that—

there shall be no strikes, slowdowns or work stoppages as long as this memorandum shall be in effect and George E. Strong shall be neither negotiator or administrator of them, with power to adjust or return to work and decide questions between old employees and those employed since December 31, 1947, or any disputes between employees singly or in group as well as to interpret this memorandum.

Except that any dispute arising out of * * *.

Mr. STRONG. Beginning there, sir, that is the language the GSI wanted, where it says "except." They are substantially the same until you get to the language you are now quoting, which begins with "except." That is what GSI wanted and what the union would not agree to. That is the only thing they are apart on at the present time.

Mr. HOFFMAN (reading):

Except that any dispute arising out of determination of the relative efficiency of employees on the rolls prior to December 31 and those employees employed since that date shall be submitted to an arbitrator or arbitrators from the American Arbitration Association.

That would take you out of the picture.

Mr. STRONG. Yes; and I would be very agreeable to that.

Mr. HOFFMAN. But your union will not agree to that.

Mr. STRONG. The union won't agree to that. They said it would just cause a lot more delay.

Mr. HOFFMAN. I think that is all.

Mr. STRONG. Thank you.

TESTIMONY OF MAJ. GEN. U. S. GRANT 3d, JOHN W. CROSS, AND
R. R. AYERS—Recalled

Mr. HOFFMAN. General Grant, I want to ask you a few questions about this thing. You have been very helpful before. I want to ask about this meeting. You see, from some source, we get reports on these different meetings. We have no way of testing their accuracy. With reference to this meeting held Thursday, the first meeting was in the afternoon, was it?

General GRANT. Yes, sir; at 4:30.

Mr. HOFFMAN. At that meeting all the managers, supervisors, and assistant managers of all the GSI cafeterias were present?

General GRANT. We did not call the roll but they were substantially all there, I think.

Mr. HOFFMAN. Was Colonel Strong there?

General GRANT. Yes, sir.

Mr. HOFFMAN. Why was he there?

First, what was the meeting for, and then, why was he there?

General GRANT. We had a copy of what is No. 3, which he had given us. I thought it would be very desirable, before the board of trustees met and acted on that, if I got in the supervisors and told them what was in the minds, more or less, and took them into our confidence, and tried to get their reaction as far as I could to the suggestions that had been made and as to how it would work out, whether it was workable or not. I asked Colonel Strong to come in with two ideas in mind. One was that there might be some questions asked as to how he proposed to administer this arrangement which they would do better to get from him than my interpretation of how we would administer it.

The other reason was that I thought it would be well for him to see our supervisors and what kind of people they were and sense directly from them any difficulties there would be in administering the proposal he was making.

Mr. HOFFMAN. How long was Strong to remain in this picture?

General GRANT. That was a period of time, sir, that I do not think anybody could foresee. It would be a question of until the matter was settled by the union, either the local disengaging itself from its association with UPWA, or the UPWA complying with the requirements so that the union could be certified. Or perhaps there was the possibility of course that the proposal if it was accepted, and I like to emphasize "if it was accepted," because as I told you last time, when I was up here, any such arrangement would have to be accepted by the board of trustees, that it was accepted and it was administered to the satisfaction of the two parties, it might be perfectly satisfactory in a period of a couple of months or so.

Mr. HOFFMAN. It is only repetition, but it might be well to put it in the record here again. GSI has always been willing and is now willing to bargain with any union which will qualify under the Taft-Hartley Act.

General GRANT. Yes, sir. We would feel obliged to do that.

Mr. HOFFMAN. Did you, at that time, tell your managers or the supervisors in substance that the striking employees are to be taken back as rapidly as possible?

General GRANT. I, frankly, Mr. Chairman, don't remember whether I used any such terms as that, certainly not to mean that the other employees were to be displaced in order to take them back, but that is was our purpose in order to get these people off the streets who I think you, yourself, acknowledged and were probably not individually responsible for the situation, that we would try to get them back as rapidly as we could.

Mr. HOFFMAN. As rapidly as vacancies occurred and you could, in in the normal course of your business, get them back?

General GRANT. Yes, sir.

Mr. HOFFMAN. But that you were not to displace any of those who were serving satisfactorily and who had been hired since the inception of the strike?

General GRANT. That was certainly in my mind, sir.

Mr. HOFFMAN. That is the way I understood it.

General GRANT. If it was something that was misunderstood, it was unintentional.

Mr. HOFFMAN. No, no. You also stated, in substance, that vacancies which occurred were to be filled from the list of the strikers.

General GRANT. Yes, sir.

Mr. HOFFMAN. So that much of our information as to what happened there is correct.

General GRANT. That is, if this agreement was approved by the board.

Mr. HOFFMAN. Then we have this statement, and I am not stating that any weight should be given to it or should not be given to it. It is reported that you said, and were very emphatic about it—and, some of them thought, in an almost menacing tone—if there was any discrimination of any nature whatsoever on the part of any manager or supervisor toward any striker who was reemployed, the manager or supervisor would be instantly and summarily fired.

General GRANT. No, sir, I certainly did not say that.

Mr. HOFFMAN. You see how susceptible what anyone says is to misconstruction.

General GRANT. I said if it was adopted by the board, it would be necessary for the supervisors to be very careful not to show discrimination between the people who had been on strike and the people who were there. That, of course, is psychologically necessary in order not to have trouble in the cafeteria itself.

Mr. HOFFMAN. I guess everyone would understand that there would be some degree of disagreement between the old employees and the new ones who came back and who were strikers.

General GRANT. But there was nothing said about disciplining the supervisors in the matter at all that I can remember by anybody there. I have always tried to handle my command on the basis of their thinking that I had confidence in them that they would do what I expected them to do.

Mr. HOFFMAN. Then there was a charge by some folks who were there who thought that what had been said might mean they would lose their jobs.

General GRANT. I don't remember anything that was said that could have implied that. I did say very definitely that in order to

make it work they would have to be very careful and convince the people that there was no discrimination.

Mr. HOFFMAN. Here is something again, now. There may or may not be anything to this, that you had been told by Strong or by Steelman or Schwellenbach that, if a contract was not made shortly with the striking union, your contract to run the cafeteria would be canceled. Did you make any such statement as that?

General GRANT. I am sure I never made that statement on that occasion at all, sir.

Mr. HOFFMAN. Were you ever told that the cafeteria in Langston Hall must be opened?

General GRANT. I have been told that it could be opened again, sir.

Mr. HOFFMAN. Who told you that?

General GRANT. Mr. Reynolds. He is the Commissioner of Public Buildings Administration. That was some time ago.

Mr. HOFFMAN. You lost money up there, did you not?

General GRANT. I don't think so. Mr. Ayers will have to answer that.

Mr. AYERS. No, sir; I don't believe they lost money over a period of time.

Mr. HOFFMAN. I see. All right.

General GRANT. That was closed because of some defect in the building, as I remember it.

Mr. HOFFMAN. That is not associated with the Government?

General GRANT. It is a public building project; yes, sir.

Mr. AYERS. Yes, it is.

Mr. HOFFMAN. That is to say, it is a Negro residential housing development.

Mr. AYERS. It comes under FWA.

Mr. HOFFMAN. You were told by Mr. Reynolds that you could reopen that one?

General GRANT. Yes, sir.

Mr. HOFFMAN. Were you told you could reopen the one in the Supreme Court Building or the Labor Department?

General GRANT. Not yet, sir; but we assume that if the pickets were taken off we could reopen them.

Mr. HOFFMAN. Surely. Was there any intimation that if you do not soon settle this strike the rug was to be jerked out from under GSI?

General GRANT. I never heard that.

Mr. HOFFMAN. I know you did tell us when you were here before that there were some things that led to the thought that if you did not do business with this union you would be out?

General GRANT. If we did not find some way of settling this, that might occur; yes, sir.

Mr. HOFFMAN. And a rival company would be given the contracts.

General GRANT. I don't know what the solution would be given the situation, sir. We do not feel we have any rival companies. We are organized just to give services for the Government and its employees, and we never endeavor to enter into any competitive bidding or anything of that kind because we are not competing with anyone else. Someone else, if they can do the job better, can do it, sir.

Mr. HOFFMAN. A final question. Has this matter been settled? Have you reached an agreement with the union?

General GRANT. No, sir. My understanding of the situation is that at the conclusion of our meeting of the board of trustees, we gave to Mr. Strong what is your No. 4 here and told him that with those alterations we would go along with his proposal. I have not heard of anything happening since then.

Mr. HOFFMAN. No. 3 has, in substance, been the proposition that you have always been willing to agree to, has it not?

General GRANT. No. 3? Not quite, sir.

Mr. HOFFMAN. The only thing in there that has not been in your proposition, at least as I got it, was this matter of the umpire or Mr. Strong. That is to say—if I am not right, correct me—heretofore you have always been ready to bargain collectively with any union, and that includes local 471, if and when it complied with the provisions of the Taft-Hartley Act and made itself eligible as a bargaining agent. That is true, is it not?

General GRANT. Yes, sir.

Mr. HOFFMAN. And since the strike you have been willing to take back the striking employees if and when vacancies occurred?

General GRANT. Yes, sir.

Mr. HOFFMAN. In your present force?

General GRANT. Yes, sir.

Mr. HOFFMAN. And to give them preference over people who never did belong to the union.

General GRANT. Yes, sir.

Mr. HOFFMAN. I do not see anything in No. 3, except this negotiator business of Colonel Strong in addition to what you have always stood for.

General GRANT. May I explain the reasons the board of trustees accepted No. 4 and not No. 3?

Paragraph 7 said there that we would negotiate an agreement.

Mr. HOFFMAN. Yes.

General GRANT. I think it was the feeling of the majority of the board who voted for the change that has been made in that paragraph in No. 4, that changed the word "negotiate" to "discuss," it was their view that they were committing us a little more to a formal agreement with "negotiate," than would "discussion."

Mr. HOFFMAN. That is to say, if you took No. 3 and if the construction that some feared might be given was given to the word "negotiate," you might find yourself up against the proposition where you would have to sign up with this particular union which had not complied with the law. Is that not it?

General GRANT. We were fearful that that might be misunderstood.

Mr. HOFFMAN. If you want your lawyer to help you, it is all right. Is Mr. Cross here?

Mr. Cross. Yes.

Mr. HOFFMAN. If you want to come up and explain the legal aspect of it, it is all right.

General GRANT. We felt that was a little more of a commitment than we wanted to make, because it might be interpreted as a commitment to open negotiations with the union before it was so certified.

Mr. HOFFMAN. Notwithstanding the fact that the last sentence of that particular paragraph said you were not bound to sign.

General GRANT. That is true.

MR. HOFFMAN. Having in mind perhaps the Supreme Court decision which said that after you reached an agreement you would have to sign. Did you want to say something?

MR. CROSS. No.

GENERAL GRANT. I would like to point out we thought there would be a manifest advantage if during this period that we were waiting for the union to find some way of disentangling itself with its predominating association, there might be advantage in such a discussion which would outline the general terms of the agreement that we would enter into after they were certified, because if we did not do that in advance of their certification we would have to do it after they were certified, and you would have a period there of unsettlement again, which would not be good either for our patrons or for the business.

The other change that the board made as a condition to its acceptance of the plan was the excepting the settlement from the other things which were going to be administered presumably by Colonel Strong, if a discussion came up or a difference of opinion arose, as to relative efficiency, somebody, an arbitrator, would be appointed to settle those from the Association of Arbitrators.

MR. HOFFMAN. That is a nationally known organization, is it not?

GENERAL GRANT. I believe so, sir. The reason for that was that the board felt that they had committed themselves to not dismissing the present employees merely to make place for the people who had gone on strike, and we felt that we would not be doing anything but what was good administration if we displaced less efficient people who had been with us only a couple of months to put in people who had been with us for many years, and who would be more efficient, if it was based on bona fide efficiency questions.

But we did not want to take any chance that in some cases this might, due to circumstances or the slowness with which progress was made or something else, the desire to get the strikers back in to the organization, we did not want that question of efficiency to be open to hastening the dismissal of people who were satisfactory, in our opinion. We realized that if we left that entirely to management the union would say that was just a subterfuge and management would not actually recognize the difference in efficiency if we were psychologically in favor of holding onto the present employees whom they looked upon as strikebreakers.

So we thought it was important to put that condition in there to safeguard the speed with which, or let us say not the speed, because we are glad to go ahead with it as fast as it works out, but to safeguard the fact that it would be on a fair basis of efficiency, and efficiency of the organization and of the service rendered and not merely that a lot of people would be pushed out in order to make room to put the strikers back.

MR. HOFFMAN. Of course, if you had a question involving the discharge of an employee who was a nonstriker, who came to the job since the strike, and taking in his place one who was a striker, and you had knowledge that the one who was a striker had been a striker, and who was seeking this job, was affiliated with an organization which believed in the overthrow of the Government, you might by the choice of an administrator be required to accept that man who held the same

political, if you wish to call it that, beliefs as did the union official who refused to sign the affidavit.

Do you see what I mean?

General GRANT. I see the possibility of that.

Mr. HOFFMAN. If Mr. Smith here came to the job since the strike, and I was one of those who was a former employee and was on strike and a member of the union, affiliated with the union whose officers had refused to sign these affidavits, it might be that I held the same belief as the officers, and if you left this thing to an umpire or an administrator here, he might say, "Here is the question of efficiency, but I guess you will take Hoffman, even though he adheres to these other political beliefs."

General GRANT. Of course, under No. 3, sir, that would have been decided by Colonel Strong.

Mr. HOFFMAN. That is right.

General GRANT. In his general administration.

Mr. HOFFMAN. He said here he had no aversion to sitting down and dealing with a man who will not sign one of those affidavits.

General GRANT. Under No. 3 that would have been settled by him when he was in the midst of settling all these other questions.

Mr. HOFFMAN. Let me correct that statement. I said "No aversion." He has an aversion, but he still will do it.

General GRANT. We thought that if those cases came up, and I don't know that there would be very many of them, cases where management felt that the person in there was more efficient than somebody who had gone out on strike, then those cases would come up before somebody who had no other interest in the matter except to settle that question of efficiency.

Mr. HOFFMAN. Like a member of the arbitration association.

General GRANT. Yes, sir.

Mr. HOFFMAN. That is all I have. Did you want to say what you had in mind?

Mr. CROSS. No, I believe not, sir.

Mr. HOFFMAN. Do you have any questions, Mr. Smith?

Mr. SMITH. Yes, I have.

General, since you were here the last time, have you received any word, direct or implied, from the so-called White House source, through General Fleming or any other person, as to the advisability of GSI's settling this strike?

General GRANT. No, sir; I had a telephone message from General Fleming the day before the meeting. No, it was yesterday morning. Yes, yesterday morning, about noon, saying that Colonel Strong had showed him this formula of agreement No. 3, in order to make the record straight, and that he had told him that the union had accepted that and that he understood that the board of trustees had not accepted it the night before. I told him that the board of trustees had accepted it with two exceptions, or changes.

He then asked me if I could find out whether they would reconsider it in view of the fact that the union had accepted, and we took a vote by telephone and the majority of the board stuck by what they had done the night before.

Mr. HOFFMAN. Do you think if you called a couple of times more you might get some more votes in favor of accepting it?

General GRANT. I don't know. We did not call any more, sir. I was up before a Senate committee yesterday afternoon. I did not do the calling myself. I just make that statement because that is the only communication I have had, and General Fleming asked me if I could get the information yesterday afternoon, if possible.

I don't think that that was even an implied pressure, excepting as to perhaps the time.

Mr. HOFFMAN. Just a request for information.

General GRANT. It was a request that I take it up with the board again in view of the fact that the union had agreed to it, which we did not know the night before when we acted on it.

Mr. HOFFMAN. Of course, when you acted on it the night before and put it out, you put it out in good faith, intending to stand by it if the union accepted it, did you not?

General GRANT. We didn't accept it.

Mr. HOFFMAN. Oh, I see.

General GRANT. We accepted it with two changes.

Mr. HOFFMAN. I remember now.

General GRANT. Which we felt were essential.

Mr. HOFFMAN. I was under a misapprehension.

General GRANT. The telephone call was an inquiry in view of the fact that the union had accepted it, of "Do you wish to reconsider it or do you stand by what you agreed to last night?"

Mr. HOFFMAN. That is to say, you had rejected it once; had you not?

General GRANT. We had rejected it as written.

Mr. HOFFMAN. Yes, and made a counterproposal. Then the union turned down your counterproposal.

General GRANT. That I didn't know until I heard it today.

Mr. HOFFMAN. Until you heard from General Fleming?

General GRANT. No, sir; until I heard it today I did not know that that had been up. General Fleming didn't say anything about that and I didn't think he knew.

Mr. HOFFMAN. How did he know that you would reconsider if he didn't know what the union had done?

General GRANT. That I don't know, sir. He simply said the union had accepted the No. 3 and would I find out if the trustees would reconsider it in view of the fact that the union had accepted it and there might be a settlement now.

Mr. SMITH. Has anyone called you with reference to opening up the cafeteria in the Labor Department or the Supreme Court or Langston Hall?

General GRANT. No, sir; the only thing is, as I have already said, some weeks ago Mr. Reynolds said that we could open up the Langston Hall cafeteria again and he would be glad to have us do it. That was not in connection with the strike situation, but we have not opened it up because it means one more job to do in the midst of this rather difficult situation.

Mr. SMITH. I want some members of GSI to tell me about this Langston Hall, where it is located, and the why's and wherefore's of it.

Mr. CROSS. That would be Mr. Ayers. I think.

Mr. AYERS. Langston Hall is at Oklahoma and Nebraska Avenue NE. It is a colored dormitory affair that is operated by the Federal Works Agency. The cafeteria is located in those dormitories. We

have operated it under our general contract with PBA, as we do the majority of our units.

Mr. SMITH. How long have you operated it?

Mr. AYERS. It was started during the war about the same time that Arlington Farms was started.

Mr. SMITH. Are the people out there all Government employees?

Mr. AYERS. You mean the occupants of the dormitories?

Mr. SMITH. Yes.

Mr. AYERS. No, I don't believe so. I don't know.

Mr. SMITH. They have no connection with the Government except that the Government owns the building. Is that all?

Mr. AYERS. I really can't tell you. The only one fact that I know, I believe that some of them are Howard University students. Whether they are veterans and are receiving veterans' subsistence, I don't know.

Mr. SMITH. How long has it been closed?

Mr. AYERS. It has been closed since just prior to Christmas, about the 22d of December.

Mr. SMITH. Can anybody go in there and eat?

Mr. AYERS. I think that is primarily there for the occupants of the dormitories. I would say that no one would be refused.

Mr. SMITH. Is is a large or small operation?

Mr. AYERS. I would say it is small.

Mr. SMITH. But the place has no connection with the Government in any way except that the Government furnished the money to build the building?

Mr. AYERS. It is my understanding that the Government operates the dormitories and that the cafeteria is part of that whole set-up there. For what purpose it is operated, I am not sure.

General GRANT. I think it was built for war workers and now it is being used for veterans and other Government employees. Of course, some of the war workers who have gone on continuing in the Government service.

Mr. SMITH. Are the same prices in vogue out there as down here?

Mr. AYERS. Yes, sir.

Mr. SMITH. That is all.

Mr. HOFFMAN. The Government gets a share in the profit if there is any?

General GRANT. Yes, sir.

Mr. HOFFMAN. You understand, do you not, General, if you are willing to negotiate with this union which is affiliated with a union whose officers refuse to sign anti-Communist affidavits you would settle this strike right off, do you not? With one qualification, except as your present employees might bring action against you.

General GRANT. Yes.

Mr. HOFFMAN. I think that is all.

General GRANT. I think we have not actually negotiated with them, sir.

Mr. HOFFMAN. That is all. Thank you very much.

At the moment, the matter will stand where it did Thursday?

General GRANT. Yes, sir.

Mr. HOFFMAN. Very well.

We will adjourn now.

(Whereupon, at 4 p. m., the subcommittee adjourned, subject to the call of the Chair.)

INVESTIGATION OF GSI STRIKE

MONDAY, MARCH 8, 1948

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D. C.

The subcommittee met, pursuant to call, at 7 p. m., in room 429, Old House Office Building, the Honorable Clare E. Hoffman (chairman of the subcommittee) presiding.

Mr. HOFFMAN. The committee will come to order.

Is John R. Steelman in the room? John R. Steelman? John R. Steelman?

(There was no response.)

Mr. HOFFMAN. We will offer in evidence first a subpoena dated March 6, calling for the appearance of John R. Steelman before this committee on Saturday, March 6, 1948, at the hour of 2 p. m., with the endorsement on the back:

Personally served copy of the within on John R. Steelman, on March 6, 1948, W. B. Matthews, United States marshal, in and for the District of Columbia, by William T. Smith, deputy United States marshal—

and what I take to be an identifying initial below. I do not know what it is.

Second, a subpoena issued on the 8th day of March 1948 calling for the appearance of John R. Steelman before this committee at this room, as did the other one, on Monday, March 8, 1948, at the hour of 7 p. m.; and on the back—

Personally served copy of the within on John R. Steelman, March 8, 1948, W. B. Matthews, United States marshal, in and for the District of Columbia, by William T. Smith, deputy United States marshal—

and apparently the same initials.

Now, we have called for the deputy marshal to ascertain whether or not, as a matter of fact, the subpoenas were served on Mr. Steelman, who, I understand from the committee staff, advised on both occasions that he would be here at the appointed time, but so far has not appeared, neither Saturday nor today.

We did not anticipate taking any other testimony, and we will wait a while for Mr. Steelman.

While we are waiting, inasmuch as the committee has learned that there was a meeting of the trustees this afternoon:

Are any of the trustees of GSI here?

Will you come forward, please?

You were sworn the other day, and that holds good at this hearing; and if you will give your name and address to this stenographer, who was not here the other day, we would appreciate it.

TESTIMONY OF J. S. DAVITT—Recalled

Mr. DAVITT. J. S. Davitt.

Mr. HOFFMAN. I understand that the trustees of GSI were called together this afternoon, or today.

Mr. DAVITT. They were.

Mr. HOFFMAN. And by whom were you called; and what happened?

Mr. DAVITT. We were called together by the president, General Grant.

Mr. HOFFMAN. And how many of the trustees were present?

Mr. DAVITT. There were eight of us, including the general.

Mr. HOFFMAN. That is, all but one?

Mr. DAVITT. All but one.

Mr. HOFFMAN. And what, if any, matter came before you, and what action did you take?

Mr. DAVITT. We were asked, Mr. Chairman, only to reconsider the action that was taken on Thursday evening.

Mr. HOFFMAN. Of last week?

Mr. DAVITT. Of last week; when we submitted our proposal to the union. And the board reaffirmed its action of that date. In other words, we made no change in our previous submission to the union of the proposal of Mr. Strong.

Mr. HOFFMAN. And of the eight who were present, was there any dissenting vote, or was it unanimous?

Mr. DAVITT. There were dissenting votes.

Mr. HOFFMAN. I think that is all I care to ask.

Mr. SMITH. Was there anyone there present besides the trustees?

Mr. DAVITT. Only our staff, Mr. Smith; the general counsel, the general manager, and our personnel man. No one presented anything except General Grant.

Mr. HOFFMAN. I think that is all. We have been over the other issues with you.

Mr. DAVITT. Yes, sir.

Mr. HOFFMAN. Thank you for coming up here tonight. You were not subpoenaed.

Mr. DAVITT. That is correct. I came up because I was interested in what was going on.

Mr. HOFFMAN. You may sit right there, Mr. Reiman. You were sworn the other day?

Mr. REIMAN. I have never been sworn in this hearing.

Mr. HOFFMAN. Will you solemnly swear that the testimony which you shall give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. REIMAN. I do.

Mr. HOFFMAN. You are on the committee staff are you, Mr. Reiman?

TESTIMONY OF F. ALBERT REIMAN, MEMBER OF STAFF, HOUSE COMMITTEE ON EDUCATION AND LABOR, WASHINGTON, D. C.

Mr. REIMAN. I am, sir.

Mr. HOFFMAN. And what, if anything, did you do with reference to the serving of a subpoena on John R. Steelman?

Mr. REIMAN. I took the subpoena which I hold in my hand——

Mr. HOFFMAN. The one for today, or Saturday?

Mr. REIMAN. This one calls for his appearance before the Special Committee of the Education and Labor Committee of the House of Representatives, of which the Honorable Clare E. Hoffman is chairman, in room 429 of the House Office Building, Monday, October 8, 1948, at the hour of 7 p. m., and it is signed by Clare E. Hoffman, designated by the chairman, and attested to by John Andrews, Clerk of the House, with the seal affixed.

I took this subpoena to the United States Marshal's office this morning. I was accompanying a deputy marshal by the name of William T. Smith.

We went to the White House offices, where we were received in the outer office, and, after waiting for a few moments, they called for Marshal Smith to come inside, where Mr. Steelman was supposed to be; and it was understood that Mr. Steelman would receive service of this subpoena.

Mr. HOFFMAN. You say "it was understood." How did you get that understanding?

Mr. REIMAN. The understanding was by telephone from the outside office to the inside office. He called to the outside office and said, "Send the Marshal in now, and I will accept service."

When the Marshal returned from the inside office to the outer office, where I was waiting, the first question I asked was, "Did you serve the subpoena on Mr. Steelman?"

Mr. HOFFMAN. I realize that is all hearsay, but it is the best we have until we can get something better.

Mr. REIMAN. He said, "I did." Then we returned to the United States Marshal's office down at the courthouse and had the stamp "Personally served" placed on here, with Mr. Smith's signature, who made his report as having given personal service.

Mr. HOFFMAN. Will you have the deputy United States marshal here tomorrow morning at 9 o'clock to complete the record, to learn whether or not the subpoena was actually served on Mr. Steelman?

Mr. REIMAN. I will do that, sir.

Mr. HOFFMAN. That will be first-hand evidence.

Mr. REIMAN. Yes, sir.

Mr. HOFFMAN. I presume this is prima facie evidence of that, but we want the actual evidence.

Mr. REIMAN. Yes, sir.

Mr. HOFFMAN. Will the gentleman who just contacted Mr. Steelman's office now come in and give us his testimony?

Have you been sworn in this matter?

Mr. McARTHUR. No; I haven't.

Mr. HOFFMAN. Do you solemnly swear that the testimony which you shall give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. McARTHUR. I do.

Mr. HOFFMAN. What is your position with the Committee on Education and Labor?

TESTIMONY OF FRANK S. McARTHUR—Recalled

Mr. McARTHUR. Professional staff.

Mr. HOFFMAN. Of the House?

Mr. McARTHUR. That is right.

Mr. HOFFMAN. And your name?

Mr. McARTHUR. Frank S. McArthur.

Mr. HOFFMAN. Your address?

Mr. McARTHUR. 3200 Sixteenth Street NW.

Mr. HOFFMAN. Now, have you just made an effort to get in contact with Mr. John R. Steelman?

Mr. McARTHUR. I did.

Mr. HOFFMAN. And what did you learn?

Mr. McARTHUR. I called his office a few minutes ago.

Mr. HOFFMAN. His office where?

Mr. McARTHUR. In the White House. Some secretary answered up there, and said——

Mr. HOFFMAN. Did you get her name?

Mr. McARTHUR. No; I didn't. She was just covering the telephone calls coming in at night.

And I asked if Mr. Steelman was there. She said, No, he wasn't. I asked if she could get in touch with him. She said she didn't know; that he had left the office, and she was the only one who was there. And she said that she would try to find out where he was and call me. I told her why I wanted him; that he was expected down here, and we wondered if he had left for this hearing.

Well, she didn't know about that herself, she said, and she would find out and call me back.

Ten or fifteen minutes later she did call back and said that Mr. Steelman had called in from the outside about some other matter, and while he was talking she asked him was he going to attend this meeting here tonight. He said, No, he wasn't.

I asked if he gave any reason. She said he didn't give any reason whatever.

Mr. HOFFMAN. Of course, that testimony is hearsay, and all the committee can do and all it will do, so far as I am concerned, is to bring the matter to the attention of the Attorney General and to the attention of the full committee, and learn whether or not the statute which requires witnesses to appear when subpoenaed applies to the case of Mr. Steelman, if he was subpoenaed; and if he was not personally served with a subpoena, we will continue our efforts until we do get personal service.

Those are the instructions of the subcommittee to you gentlemen of the staff: to have other subpoenas issued, and if necessary, post yourselves at the residence of Mr. Steelman and, if you cannot locate him, start in and subpoena whoever may be there, until we follow down the line and finally reach Mr. Steelman. Then we can ask, or learn, perhaps whether the law applies.

Is he a member of the Cabinet?

Mr. REIMAN. He is a Presidential adviser.

Mr. HOFFMAN. Find out whether the statute applies to a Presidential adviser, or whether they are exempt from the statutes requiring the average ordinary citizen to appear.

So, ladies and gentlemen, that is all we have tonight. Later you will know whether the Government can command the attendance of individuals who happen to be advisers to the President.

(Whereupon, at 7:30 p. m., an adjournment was taken, to reconvene at 9 a. m., Tuesday, March 9, 1948.)

INVESTIGATION OF GSI STRIKE

TUESDAY, MARCH 9, 1948

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D. C.

The subcommittee met, pursuant to adjournment, at 9 a. m., in room 429, Old House Office Building, the Honorable Clare E. Hoffman (chairman of the subcommittee) presiding.

Mr. HOFFMAN. The committee will come to order.

Mr. Smith, do you solemnly swear that the testimony that you shall give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WILLIAM T. SMITH. I do.

TESTIMONY OF WILLIAM T. SMITH, DEPUTY UNITED STATES MARSHAL

Mr. HOFFMAN. What is your name?

Mr. WILLIAM T. SMITH. William T. Smith.

Mr. HOFFMAN. And your business?

Mr. WILLIAM T. SMITH. I am a deputy United States marshal.

Mr. HOFFMAN. I show you a subpoena issued by the subcommittee calling for the appearance of John R. Steelman on March 6, 1948, at 2 p. m., and ask you whether or not you served that subpoena? If you did, what was the manner of the service?

Mr. WILLIAM T. SMITH. This is the original.

Mr. HOFFMAN. The first one?

Mr. WILLIAM T. SMITH. Yes. This is the original. I served a copy of this.

Mr. HOFFMAN. Of that?

Mr. WILLIAM T. SMITH. Yes, sir.

Mr. HOFFMAN. How did you serve it, and when?

Mr. WILLIAM T. SMITH. As a personal service. I served it at 11:45 on the 6th; 11:45 a. m.

Mr. HOFFMAN. That was last Saturday?

Mr. WILLIAM T. SMITH. Last Saturday.

Mr. HOFFMAN. How did you serve it? Did you see Mr. Steelman?

Mr. WILLIAM T. SMITH. Handed it him personally; yes, sir.

Mr. HOFFMAN. What if anything, did he say?

Mr. WILLIAM T. SMITH. He did not have much to say. He just took it and said he was busy.

Mr. HOFFMAN. You served a copy of that subpoena on him?

Mr. WILLIAM T. SMITH. A copy of this subpoena.

Mr. HOFFMAN. Did you show him the original and the seal?

Mr. WILLIAM T. SMITH. No, sir. I did not have the original. The original was kept in our office.

Mr. HOFFMAN. Is it always kept in your office?

Mr. WILLIAM T. SMITH. Yes, sir.

Mr. HOFFMAN. The copy of the seal was on the original?

Mr. WILLIAM T. SMITH. Well, I did not see the original.

Mr. HOFFMAN. You have it in front of you.

Mr. WILLIAM T. SMITH. The seal is on this original; yes, sir.

Mr. HOFFMAN. What do you say about this one dated March 8, calling for his appearance March 8 at 7 p. m., 1948?

Mr. WILLIAM T. SMITH. I served a copy of this at 11——

Mr. HOFFMAN. Let us go back a moment.

Where was it that you served the one calling for his appearance on the 6th?

Mr. WILLIAM T. SMITH. In his office, in the east wing of the White House.

Mr. HOFFMAN. And here in Washington?

Mr. WILLIAM T. SMITH. Washington.

Mr. HOFFMAN. Where were you when you served the other one and where was Mr. Steelman?

Mr. WILLIAM T. SMITH. At the same time, in his office, the east wing of the White House.

Mr. HOFFMAN. And you handed the copy to him?

Mr. WILLIAM T. SMITH. Handed to him personally.

Mr. HOFFMAN. That was a copy of the original which you hold in your hand?

Mr. WILLIAM T. SMITH. Yes, sir.

Mr. HOFFMAN. And a copy of the seal was impressed on it?

Mr. WILLIAM T. SMITH. Yes, sir.

Mr. HOFFMAN. And the copy was signed by the chairman of the subcommittee designated by the chairman of the full committee?

Mr. WILLIAM T. SMITH. Yes, sir.

Mr. HOFFMAN. Any doubt about this now?

Mr. WILLIAM T. SMITH. Not in my mind; no, sir.

Mr. WINT SMITH. Do you know Mr. Steelman?

Mr. WILLIAM T. SMITH. No, sir. I do not. I have never seen him before. Appointment was made for me by my superior, Mr. Henry, who made the call to the White House, and Mr. Steelman said he would accept it at 11:45.

Mr. HOFFMAN. You have seen his picture?

Mr. WILLIAM T. SMITH. I saw his picture this morning.

Mr. HOFFMAN. You identify it as the man you served on, Mr. Steelman?

Mr. WILLIAM T. SMITH. Yes, sir.

Mr. HOFFMAN. He answered to the name when you inquired for Mr. Steelman?

Mr. WILLIAM T. SMITH. Yes, sir. I was introduced to him.

Mr. HOFFMAN. He acknowledged the introduction?

Mr. WILLIAM T. SMITH. Yes, sir.

Mr. HOFFMAN. Any doubt at all about you having the right man?

Mr. WILLIAM T. SMITH. No, sir. Not to my mind.

Mr. HOFFMAN. And this was in the Executive Office of the White House in Washington?

Mr. WILLIAM T. SMITH. Yes, sir.

Mr. HOFFMAN. That is all I have.

Mr. WINT SMITH. That is all I have.

Mr. FISHER. That is all I have.

Mr. HOFFMAN. Thank you very much.

Mr. HOFFMAN. What if any action does the subcommittee wish to take?

Any motion, Mr. Fisher? Or Mr. Smith? Any suggestion?

Mr. FISHER. I think we ought to discuss that in executive session.

Mr. HOFFMAN. If you wish.

Is that what you would like to do?

Mr. FISHER. Well, if you would like to go into a matter of what the committee does, of what action the committee might take, we should do that in executive session.

Mr. HOFFMAN. The only thing I know that is left for us to do is to refer to the full committee and let the full committee take action. Mr. Hartley will be here today.

The committee will go into executive session.

(Whereupon, at 9:05 a. m., the hearings in the above matter were closed and the committee went into executive session.)

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